

CONFIDENTIAL.

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PART 9.

FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS OF TUNIS.

253

1897.

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CONFIDENTIAL.

Further Correspondence respecting the Affairs of Tunis.

PART 9.No. 1.

Consul-General Haggard to the Marquess of Salisbury.—(Received January 18.)

(No. 1.)

My Lord,

Tunis, January 5, 1897.

ON the receipt of your Lordship's despatch No. 14 of the 20th November last I addressed to the Beylical Government the note, a copy of which I have the honour to inclose, in the sense of the instructions contained in that despatch.

I have also the honour to inclose the reply to that note, in which I am informed that the man against whom strong suspicions were entertained for the murder of Dr. Leach had died in Tripolitan territory.

I have delayed forwarding this correspondence in the hope of hearing something more upon the subject, but as on each occasion on which I have spoken about it I have been assured by the Residency that their information permits of no doubt on the subject of this man's death, and as Her Majesty's Consul-General at Tripoli tells me, in a letter received to-day, that his French colleague informs him that he knows nothing more of the case, and that he has "sent to the Resident all the documentary evidence he could get to show that the alleged murderer really did die as reported," I do not see that there is anything more to be done in the matter.

The best hope of getting at the bottom of this most mysterious crime is that one of the principals, or an accomplice, may let the matter out when he thinks that the hue and cry is over.

I have, &c.
(Signed) W. H. D. HAGGARD.

Inclosure 1 in No. 1.

Consul-General Haggard to M. René Millet.

M. le Ministre,

Tunis, October 25, 1896.

I LOST no time in communicating to Her Majesty's Government the suggestion which, in our conversation some time back with reference to the reported discovery in Tripoli of the murderer of Dr. Leach, you did me the honour of making, to the effect that the heirs of the murdered man—or, failing them, the religious Society to which he belonged—should be held liable for the expenses incurred in the arrest and punishment of the murderer.

I also informed the Marquess of Salisbury of your request that, with the view for their prosecution in Tripoli, I should, as the "natural guardian of the surviving child," give an authority for the prosecution, which was conveyed in your note of the 18th instant.

His Lordship has informed me, in reply, that it is, in the opinion of Her Majesty's Government, undoubtedly the duty of the Local Government to bring the

murderers to trial and to pay the expenses which it may be necessary to incur in so doing.

His Lordship remarks that the crime in question is not a mere private wrong; it is a violation of public order and tranquillity, which, in the interests of the peace and safety of the community at large, it is the duty of the State to punish.

With regard to the second request—that a formal application should be made by Her Majesty's Consul-General, as the "natural guardian of the infant child"—his Lordship observes that, although, under the very peculiar and tragical circumstances of the present case, Her Majesty's Consul-General would undoubtedly be considered as the proper person to protect the interests of the orphan until its natural guardian could be communicated with and his wishes ascertained, "the natural guardian of the child," so far as English law is concerned, would be its nearest relative, falling whom, the duty would devolve upon some person appointed by the Court.

His Lordship adds that, as it is naturally, however, a matter of solicitude to Her Majesty's Government that when her British subjects have been brutally murdered in a foreign country their murderers should be brought to justice, I am at liberty to sign the requisite request to that effect as Her Majesty's Representative, although I am at the same time to carefully point out to you that I am precluded from doing so as "the natural guardian of the child."

If, therefore, you will be good enough to furnish me with the document required, I will sign it in my official capacity as Her Majesty's Representative.

I have, &c.
(Signed) W. H. D. HAGGARD.

Inclosure 2 in No. 1.

M. René Millet to Consul-General Haggard.

M. le Consul-Général,
LE 25 Novembre dernier vous avez bien voulu me faire connaître que vous étiez tout disposé à signer, non comme tuteur de l'enfant, mais comme Représentant de Sa Majesté Britannique, la procuration qui permettrait à notre avocat à Tripoli de poursuivre devant les Tribunaux les assassins de Mr. Leach.

J'ai l'honneur de porter à votre connaissance que les agents que le Gouvernement Tunisien avait envoyés en Tripolitaine ont appris, après s'être livrés à de minutieuses investigations, que l'assassin de Mr. Leach, qu'ils recherchaient, serait mort, il y a peu de temps, à Zaouia-el-Gharbia, en Tripolitaine.

Dans ces conditions, je n'ai plus à vous demander, pour le moment du moins, une procuration qui devient inutile.

J'ai l'honneur de vous faire connaître que dans cette affaire le Gouvernement Tunisien était bien disposé à prendre à sa charge les frais nécessités par la poursuite rigée en Tripolitaine contre les assassins de Mr. Leach.

Agrées, &c.
(Signé) RENE MILLET.

No. 2.

Consul-General Haggard to the Marquess of Salisbury.—(Received February 5.)

(No. 10.)
My Lord,

I HAVE the honour to transmit the inclosed copy of a letter from Mr. Michell, the local Director of the North African Mission, and should be much obliged if your Lordship would instruct me as to the steps to be taken in the matter to which it refers.

I am aware of no local Law or Regulation which would justify the action of the French authorities in stopping the sale or distribution of Bibles, tracts, &c., in the Regency, whatever these may be, in France; and the fact that this sale and distribution has been carried on during the last half century without any hindrance, or without, as Mr. Michell informs me, a single act of annoyance even, either on the part of the Beylical Government or on that of the population, would seem to throw a certain doubt on the reasonableness of the French contention that the Arabs here specially resent the action of the missionaries, certainly to the extent of murdering Dr. Leach and his family. I should

feel much more disposed to attribute this crime to their own, i.e., to the French action. It is, at least, a remarkable coincidence that, after having lived for so many years in perfect tranquillity the first outrage on them—one of so terrible a nature—should have taken place within a few days of the Marquis de Mores' frantic appeal to Mussulmans to rise and slaughter the English having been enthusiastically cheered by his audience, composed of—with the exception of the Residency—all the leading French officials in Tunis, comprising the General Commanding the troops and the Secretary to the Government, in the presence of a number of the Mahomedans, to whom this appeal was addressed, who had certainly not come to hear his anticipated denunciations entirely of their own accord.

Fanatic Mahomedans doubtless find a pleasure, and some even consider it a duty, to kill a Christian, but that sense of pleasure and duty is greatly stimulated when they feel, or think they feel, that they can thus secure their happiness in the next world without endangering their safety in this.

I have, &c.
(Signed) W. H. D. HAGGARD.

Inclosure 1 in No. 2.

Mr. G. B. Michell to Consul-General Haggard.

Dear Mr. Haggard,

2, Rue de l'Obacurité, Tunis, January 28, 1897.

I AM extremely sorry to have to trouble you again about our affairs. I am compelled, however, to lay before you the inclosed letter from one of our missionaries at Susa, Miss Scott.

As you will see, the French authorities now claim the right of preventing or regulating our selling or distributing our books and papers. I have telegraphed to our missionaries there to on no account apply for any authorization from the French, as to do so would be a tacit acknowledgment that they have the right to demand it. Until the question can be definitely settled this acknowledgment would be fatal. I have just written more fully to them. I would point out to you that Protestant missionary work has been carried on in this country for about fifty years without let or hindrance, protestation, complaint, or police regulation, by Mr. Flad's Society, on exactly the same lines as we work, and among the Bey's subjects equally with ourselves.

Also we are not engaged in "propaganda" in the French sense. We are private individuals dealing by personal influence with private individuals. I do not believe there is any local Law or Regulation on the subject here, whatever there may be in France or Algeria. Further, you will see that it would be impossible for the French to grant us their formal authorization. Such an action would give the Moslems a strong and legitimate cause of complaint, namely, that the French should expressly and publicly authorize efforts to subvert the established religion of the country. As it is, we are private Englishmen working on our own responsibility, at our own risks, unconnected with any political system whatever, submitting to the laws of the land, and quite independent of French aims and actions of every kind.

Of course, at the same time we have no desire to act against the French either, or to take our stand as British subjects for any political reasons. Nor do we claim your protection or help in any other way than as private people, and only because we are accused of political aims, an excuse to suppress our perfectly harmless efforts.

If only the authorities, both native and French, could get it into their heads that so far from giving offence to the Moslems, we are their best friends, and so far from endangering the peace or stirring up resistance to "the powers that be," we are perhaps the only body of people that make it our whole aim to improve the natives and Europeans morally, and to inculcate respect, submission, and contentedness under the Governors and Magistrates in power. So far from being injured we ought to be encouraged in every way.

These being our principles, we naturally seek to practice them ourselves first; and it is in no spirit of rebellion that we protest against these efforts to destroy our work.

We have been maligned in every way, so as to be hindered.

We have not, and never have had, any connection whatsoever, either in fact or in sentiment, with the "Salvation Army," and yet we are constantly and persistently identified with them, probably because the "Salvation Army" has so defied and resisted

the laws, notably in Switzerland and in England. We are utterly opposed to such actions, and yet we are given the name, so as to fasten the character upon us.

I should be much obliged to you if you could kindly ascertain what our true rights, and duties, and responsibilities are with regard to the Government of the Protectorate. We will undertake unreservedly to conform to them.

Again apologizing for troubling you, believe me, &c.

(Signed) **GEORGE B. MICHELL,**
North Africa Mission.

Inclosure 2 in No. 2.

Miss Scott to Mr. G. B. Michell.

Dear Mr. Michell,

Sousse, January 22, 1897.

MY letter must be brief and businesslike, as I want it to go by the 2 o'clock train this afternoon.

On Wednesday Miss Bagster, Mr. Pope, and Mr. Cooksey and I went for a day's itinerating to Monastir. On arriving there we separated, Miss Bagster and I going together. As usual, we sold our books and distributed our tracts (Arabic and Italian) as we had opportunity.

In the afternoon, when just about to join the gentlemen to return to Sousse, we were met by the Commissaire of Police, who requested us to go to his bureau.

Arriving there, he told us he had heard we were distributing papers, &c., and he had orders to prevent any religious propaganda. He took our names. He said a lot of things to us, among others, asking why we did not stay at home, as there was plenty of evil in our own land; said the Moslem religion was a very good one, mentioning some French poet who was of the same opinion; said the Arabs did not like their religion interfered with, and that the murders of the Leachs were probably the result of fanaticism. We understood we were to tell the gentlemen with us what he said, and promised to do so.

This morning Miss Bagster and I had a summons to appear before the Sousse Commissaire at 10 o'clock. So accordingly we went. He had had a communication from Monastir, in which it was stated that we were to have returned to the bureau there with the gentlemen, but had failed to do so. Of course, we had misunderstood, and, by-the-way, if he wanted the gentlemen he should have sent his agent. The Commissaire here told us a *proche-verbal* might be made out against us, and supposing it were, and supposing we were found culpable, it would only mean a fine of 20 or 40 sous, as ours was a contravention only of the law, which, even in France, requires an authorization for the distribution of papers, &c. He advised us to apply at once to M. Millet for such an authorization, which we should carry with us, and be able to present to any policeman when requested. He was just going to see the Comptroller Civil on other business, and would mention this matter.

The Commissaire here also remarked about the murders of the Leachs being probably due to fanaticism.

Is it a hawker's licence we want? Surely we don't come under the same category as M. Kohli, who has been prevented from making any religious propaganda. The Commissaire advised us to get our authorization without delay, as he might have to trouble us again in eight days.

We had to give Mr. Pope's and Mr. Cooksey's names, so I suppose they will be called on too. All the four gentlemen are away at Djemaa to-day, it being market-day there; but I thought it well to write so as to lose no time. You will know what is to be done, and I wait to hear from you.

Christian regards to you all.

Yours very sincerely,
(Signed) **MARY M. SCOTT.**

No. 2^a.

Memorandum by Mr. Streetfield on Mr. Haggard's No. 10, Consular,
January 28, 1897.

(LIBRARIAN'S DEPARTMENT.—Is there anything to show that the French authorities were within their rights in this matter? Mr. Haggard says he knows of no preventive law applying to the Regency.—(Signed),
E. W. W., February 5, 1897.)

IT does not appear that absolute freedom of action in the matter of selling and distributing Bibles, tracts, &c., within the Regency, can be claimed as a Treaty right.

By Article V of our Convention with Tunis of the 19th July, 1873, the Bey engaged "to protect British subjects who may come to his country either for the purposes of trade or for travelling. They shall be free to travel or to reside in any part of the Regency without hindrance or molestation; and they shall be treated with respect, love, and honour."

The same Article also gives them most-favoured-nation treatment.

By Article VI of the same Convention, British subjects are allowed "the free exercise of the rites of their religion."

The French Government acknowledged itself to be bound by the Treaties existing between the Government of the Regency and the different European Powers, both in its Treaty with Tunis of the 12th May, 1881, and by written assurances.

Sir J. Pauncefoot pointed out in 1888 that by the Treaty of 1881 the French acquired no right to legislate for the Regency, and that legislation in Tunis was still the legislation of the Bey, though inspired by the French Government. Thus, when the Powers agreed to abolish their Consular jurisdiction in Tunis, the arrangement was carried out, not by a French law, but by a Decree of the Bey adopting and promulgating the French law. The Powers agreed to the application of French Civil and Criminal law to their subjects by the French Tribunals; but they did not agree to submit them to any new legislation which the Bey, with the advice of the French Government, might attempt to promulgate in defiance of the Capitulations and usages.

It appears from Mr. Haggard's despatch that the sale and distribution of Bibles and tracts in Tunis is a usage which has been going on for half-a-century without opposition or hindrance, but it appears that he cannot claim it as a Treaty right, and should the fanatical disposition of the natives give rise to circumstances which would justify the Bey in placing restrictions on both practices in the interests of the public peace, we could hardly raise any objection thereto.

Although complete religious liberty is conceded by Turkey, and missionaries are allowed to sell Bibles and preach Christianity in the *chapels* and *private houses*, the Turkish Government object to the same being carried on in *public places* as likely to tend to a breach of the peace, and we have admitted that British subjects cannot claim the right of public preaching, or of distributing the Bible, in opposition to the wishes of the Turkish authorities.

((Signed) **FREDERICK H. T. STREETFIELD.**

February 6, 1897.

No. 3.

Consul-General Haggard to the Marquess of Salisbury.—(Received February 8.)

(No. 12.)

My Lord,

Tunis, February 3, 1897.

WITH reference to my immediately preceding despatch of to-day's date (sent via Rome) on the subject of the proposed suppression of the missionaries here, perhaps it is as well that I should mention that I have requested Mr. Michell to impress upon Mr. Harris the necessity of an attitude of extreme caution and conciliation towards the French authorities at Gabes.

I have, &c.
(Signed) **W. H. D. HAGGARD.**

Confidential 3706,
p. 50 a.
Confidential 3969,
pp. 18 and 19.
Ibid.

Memorandum, December 24, 1891.
Memorandum,
January 2, 1892.

To Colonel the
Honourable F.
Bridgeman,
M.P., January 7,
1897.

Consul-General Haggard to the Marquess of Salisbury.—(Received February 9.)

(No. 11. Confidential.)

My Lord,

Tunis, February 3, 1897.

WITH reference to my despatch No. 10 of the 29th ultimo, I have the honour to inform your Lordship that Mr. Michell called on me to-day, and showed me the letter, of which I have the honour to inclose a copy, from his brother-in-law, who is a missionary at present at Gabes.

As it appeared to me that, if it were only to be in a position to judge as to the views of the French authorities here on the matter, it would be as well to see the Acting Minister for Foreign Affairs, I called on him yesterday, and introduced Mr. Michell to him.

The upshot of a long conversation between them was that he declared that the Government of the Protectorate, finding that missionaries were a source of danger to public order, were determined to put a stop to them. M. Révoil was not apparently sure as to the measures to be taken to do so, but I take it as probable that it is that which was quoted by the Commissaire de Police to Mr. Harris, a copy of which is inclosed in his letter—at all events, M. Révoil could quote no other. It is not, therefore, surprising that in my last despatch I should have stated that I was unaware (as, indeed, was Mr. Michell) of any Law or Regulation by which the sale or distribution of Bibles, &c., was illegal, as this law is one which was published in 1884 against the scurrilous press here, which had been since then in abeyance, if not actually cancelled, and was only put in rigour again on the 3rd ultimo to render amenable to justice the papers which had been attacking the Resident-General.

Whatever be the real cause which was given by M. Révoil as the attacks of French Deputies on the missionaries in Algeria, he was very determined on the point of the intention of the Government to put a stop to missionary work here, and said that the French Government had given them strict injunctions to take advantage of the peculiar position here—that of a nominally independent Government—to crush them. M. Révoil did not reply when I remarked that that position involved duties as well as rights.

This part of the question is exhaustively gone into by Mr. Michell in the letter inclosed, and it would seem that, in view of the fact of the population here being not only thoroughly accustomed to the missionaries by seventy (not fifty) years' intercourse, and of the great amount of material good which they have done, the measure is not only unnecessary, but even vexatious, even if, a fact of which your Lordship will be able to judge, the French be within their strict right in its application. Certainly, whatever may be the effect of missionary work in other countries, I have never heard of its arousing fanatical feeling here, and, if the murder of Dr. Leach be supposed to be connected therewith (though this M. Révoil vehemently denied), it is only looked upon as so indirectly through the, at the moment, supposed impunity with which Englishmen could be murdered in Tunis, due to the cause to which I had the honour to allude in my immediately preceding despatch.

I have, &c.
(Signed) W. H. D. HAGGARD.

Inclosure 1 in No. 4.

Mr. Hermann Harris to Mr. G. B. Michell.

*Central Soudan Mission, Gabes, Tunis,
January 29, 1897.*

(Extract.)

AS we are at present having opposition from the authorities in the shape of proceedings, &c., and this may spread to and affect some of your work, I think I had better tell you something of the state of the case.

We opened our hall beneath our house early in November for preaching, and sale and distribution of Scriptures. Since then we have been having two or three regular meetings every week in French and Arabic. Soon after we began I had a visit from the Commissaire de Police, telling me it was illegal to carry on my shop as a dépôt for sale or distribution without authorization from the Government at Tunis, so I went and called on the Contrôleur Civil and asked him for permission. He said that he had no power to give it,

but that he would write to Tunis about the matter, and requested me to desist, so I promised to do so.

After waiting ten days or more, I went to him and saw his Secretary, and as no answer had yet come, I told him I should continue to do what I regarded as a legal right, to give away or sell in my own shop the Word of God. After some time I was again visited by the Commissaire, and he told me I should be prosecuted for breaking Article 7 of "La Loi sur la Liberté de la Presse" du 14 Octobre, 1884, of which I inclose a copy-extract in part. The Article in question is part of a law to prevent the circulation of seditious or defamatory articles, and cannot, I think, in justice, be applied to standard books like the Word of God. However, I wrote on the 4th June to the General Secretary of the Tunisian Government at Tunis asking for permission to sell and distribute the Scriptures in the streets, markets, &c. I did not think of asking merely for authorization for my shop, and for distributing at the meetings in the hall.

The reply I received was that the propaganda of religion could not be authorized except in churches, temples, synagogues, mosques, &c. We were therefore summoned last week and sentenced to pay a fine of 30 fr. for distributing testaments, &c., in our hall, Judge refusing to recognize our hall as a temple. Not a word is said about our having done anything outside. The prosecution turns entirely upon our giving away books to people who are inside a meeting. I have not paid the fine, but have lodged an appeal to the higher Tribunal at Sousse. We are now again threatened with a second prosecution for continuing to distribute Scriptures at our meetings. The punishment in this case must, by letter of the law, be imprisonment, no option of a fine.

Article 7 of "La Loi sur la Liberté de la Presse," of October 14, 1884.

Nul ne pourra exercer même temporairement la profession de crieur, de vendeur, ou de distributeur sur la voie publique, ou dans les lieux ou réunions publiques, d'écrits, dessins, ou emblèmes, sans autorisation préalable des fonctionnaires délégués à cet effet par le Premier Ministre de Son Altesse le Bey.

N.B.—In my opinion the word "écrits" cannot apply to regular books, such as the New Testament.

H. G. H.

Inclosure 2 in No. 4.

Mr. G. B. Michell to Consul-General Haggard.

Dear Mr. Haggard,

North Africa Mission, Tunis, February 2, 1897.

IN the interview which, through your kind introduction I was allowed to have with M. Révoil, the Résident-Adjoint of France, this afternoon, I was unsuccessful in securing the amicable arrangement of the difficulties which have been placed in the way of evangelistic missionary work in this country. I am therefore again obliged, very regretfully, to appeal to you on behalf of the English missionaries whose rights are being trespassed on. I inclose a copy of parts of a letter from my brother-in-law, Mr. Hermann Harris, B.A., of the Central Soudan Mission at Gabes, received last night.

I translated these to M. Révoil to-day. He informed me in the strongest terms of the determination of the French Government to completely suppress all religious propaganda of every kind in this Regency.

I pointed out to him that the sale of the Holy Bible, whole and in parts, is not prohibited in any other country in the world, and that the sale in Tunis has never been hindered before, since 1829, the year in which it was first undertaken here.

He answered that the measure has been adopted to insure against murderous outbreaks of fanaticism—the nearness of the Mahdi's sphere of influence making the danger greater, considering the character of the Moslems of Tunis.

I replied, that neither in Egypt, the Soudan, nor Morocco is missionary work prohibited, and that there is no greater danger in Tunis now than there has been during the last seventy years. On the contrary, there were several serious insurrections and famines before the French occupation, which, however, in no way prevented the carrying on of missionary work, nor were assigned as a reason for suppressing it. I proceeded to inform his Excellency that the former Beys had regarded English missionaries with much

favour, and on many occasions had recommended them to the care of local authorities while on colportage journeys in the interior. On one occasion the Rev. Mr. Fenner, of the London Jews' Society (who died here after fourteen years' labours in 1874), and his colporteur (who is still here in the service of that Society) had been given special permission to enter the holy city of Kirwan to sell their Scriptures there, at a time when other Christians, and Jews, were rigidly excluded on pain of death. Even their Jewish porter was obliged to stay outside the gates. This Mr. Fenner was extremely active in the sale and distribution of Bibles, portions, and tracts, thousands of which he disposed of every week in all languages, and among all classes. Yet, so far from disturbances or complaints, his memory is venerated to an extraordinary degree by Moslems, Jews, and Christians alike. M. Révoil attributed this attitude of the Beylical Government of former times to their powerlessness to interfere with the protégés of England.

I pointed out that in my humble opinion it is the business of a strong and responsible Government to hold their subjects in such proper order that others may exercise their rights in peace, rather than to violate those rights for fear of possible disturbances—in this case a very remote fear! His Excellency replied, that he must be the judge of the necessary measures for the administration of police in this country, to which, of course, I agreed.

M. Révoil again asserted most positively the determination of the French to crush all such work as ours in Tunis.

I regret profoundly to find ourselves thus in conflict with the Government of the Protectorate. But, as our very existence, and the fruits of nearly seventy years' labour, and our historic, and hitherto uncontested rights—rights which I contend are solemnly secured to us by Treaty—are thus threatened with immediate extinction, I must protest against this unwarranted tyranny.

The signature of the General Convention between the Governments of Great Britain and Tunis on the 19th July, 1875, found the English Missionary Societies in the enjoyment of facilities and the prescriptive right of forty-five years' unhindered exercise of their calling in Tunis, if not officially recognized, yet benevolently assisted by the Beylical Government, and Her Majesty's Consuls-General from time to time.

Article XVII of this Treaty enacts that "British subjects and Tunisian subjects shall be free to exercise in each other's country any art, profession, or industry, without being subjected to any other formality, or to the payment of higher or other taxes and imposts than those prescribed by the Laws or Municipal Regulations, or which are paid by natives," while Article V contains the following:—

"British subjects, vessels, commerce, and navigation, shall enjoy, without any restriction or diminution, all the privileges, favours, and immunities, which are now, or may hereafter, be granted to the subjects, vessels, commerce, and navigation of any other nation whatever."

Article IV having already declared that "there shall be reciprocal freedom of commerce between the dominions of Her Majesty the Queen and the Regency of Tunis," I submit that the French who occupied Tunis several years afterwards afterwards, cannot, by a strained interpretation of a decree aimed at a virulent French press, annihilate British rights.

1. We are exercising a highly honourable, universally recognized, and long-practised profession, which Article VI tacitly recognizes, the only public "exercise of the rites" of the Protestant religion, and the only Protestant Church and cemetery being then, and having long, been carried on, and served by the English missionaries only.

2. The publications of the British and Foreign Bible Society, and of the London Jews' Society, had been, and still are, important articles of commerce, the sales amounting frequently to upwards of 100*l.* per annum, having always been admitted into the Regency free of duty.

3. We are the only missionaries in this country, and our sales of the Scriptures, the only commerce in religious literature, so that the pretension, in suppressing our work, of treating all nations, including the French themselves, alike, in accordance with Article V, would be absurd and unfair.

4. Nothing has changed, either in the nature of our work, nor in the state of the country, since the French occupation, or, indeed, since the passing of the British Treaty, to warrant this sudden and unprecedented attack upon us.

5. In any case, Article XI.1 expressly stipulates "that if any doubt should arise with regard to the interpretation, or the application of any of the stipulations of the present Convention, it is agreed that in Tunis the interpretation the most favourable to British subjects shall be given. It is not pretended by any of the foregoing Articles to stipulate for more than the plain and fair construction of the terms employed, nor to preclude in

any manner the Tunisian Government from the exercise of its rights of internal administration where the exercise of those rights does not evidently infringe upon the privileges accorded by the present Convention to British subjects or British commerce."

I contend that to use a Decree made on the 14th October, 1884, against the local French press, rescinded on the 16th August, 1887, and re-enacted on the 3rd January, 1897, for the express and declared purpose of putting an end to scurrilous personal attacks in certain French newspapers on M. Millet, the Resident-General, as an excuse for the crushing of English missionaries who have never held, printed, published, sold, or distributed any newspaper whatever, or other publications of a seditious or defamatory character is not only *ultra vires*, as an act of internal administration, but also, if a right at all, a grossly tyrannous use of such a right.

I feel sure, myself, that this attack is an entirely French political move. Coming so soon after the late interpellation on Algeria in the French Chamber, and with no indication whatever of a complaint of any kind on the part of the Mussulman authorities or natives of Tunis, it is clear that the "apprehension of danger" is a pure fiction of the French.

As this decision of the French Government will affect not only ourselves, but also the British and Foreign Bible Society, the London Jews' Society, the Religious Tract Society, the Central Sudan Mission, and a Swedish Missionary Society, I am writing to them, as also to the North Africa Mission, and to the Evangelical Alliance, to show them the injury they will sustain if missionary work here is allowed to be stopped.

I have made out a résumé of the history of the work of English Protestant missionaries in this Regency during this century, which I have much pleasure in handing to you if you desire it. It establishes most clearly all I have advanced here.

I remain, &c.

(Signed) GEORGE B. MICHELL.

P.S.—I have omitted to point out to you that the first summons of Mr. Harris, now stated to have been taken out under the Law of 1884 on the liberty of the press, was taken out against him in November last, whereas that Law was then in abeyance, not having been re-enacted until the 3rd January, 1897 (see "Journal Officiel" of that date).

G. B. M.

No. 5.

North Africa Mission to the Marquess of Salisbury.—(Received February 10.)

My Lord,

21, Linton Road, Barking, February 9, 1897.

I HAVE received from Mr. George Michell, one of the missionaries of the North Africa Mission in Tunis, a copy of a letter he has received from Mr. Hermann Harris, of the Central Sudan Mission, who resides at Gabes in the south of Tunis, and of a further letter from Mr. George Michell to Mr. Haggard, the British Consul-General in Tunis.

I am informed that Mr. Haggard has forwarded to your Lordship copies of these letters, otherwise I would myself have sent duplicates. It would almost appear from what has occurred that it is the deliberate policy of the French Government to attempt to hinder our work. I trust that this may not be the case.

We are desirous of conforming, so far as possible, to all French laws, whether in Algeria and Tunis, and should be glad if your Lordship could inform us of our legal standing in Tunis, and whether the French authorities are justified by the Treaties which exist in the action they have taken.

I have, &c.

(Signed) EDWARD H. GURNEY,
Honorary Secretary of the North Africa Mission.

No. 6.

Foreign Office to Consul-General Haggard.

(No. 3.)

Foreign Office, February 11, 1897.

Sir,

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your despatch No. 12 of the 3rd instant relating to the proposed suppression of missionaries

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in Tunis, and I am to say that his Lordship approves the advice which you have given to them through Mr. Michell as to the attitude which they should observe towards the French authorities at Gabes.

I am, &c.
(Signed) T. H. SANDERSON.

No. 7.

Consul-General Haggard to the Marquess of Salisbury.—(Received February 20.)

(No. 16. Confidential.)

My Lord,

Tunis, February 10, 1897.

ON the receipt of the letter from Mr. Harris—a missionary at Gabes—copy of which, with my reply, I have the honour to inclose, it seemed to me that, supposing that his statements were correct, the authorities had gone beyond the limits even of the rights which might possibly be accorded to them by the fullest extension of the Edict of the 3rd January, 1897, a copy of which I had the honour to inclose in my despatch No. 11 of the 3rd instant.

This is the Law on which the French rely for their action, although, as I mentioned in my above-named despatch, M. Révoil was vague on the point.

Your Lordship will observe that, according to this Article, "nul ne pourra exercer, même temporairement, la profession de crieur, de vendeur, ou de distributeur sur la voie publique, ou dans les lieux ou réunions publiques, d'écrits, dessins, ou emblèmes sans autorisation préalable des fonctionnaires délégués à cet effet par le Premier Ministre de Son Altesse le Bey."

Mr. Harris contends, apparently with reason, that his meetings do not come within the scope of this Edict, as they can in no way be considered as "réunions publiques." He also complains in his letter to me, and in that to Mr. Michell of the 5th instant, of which I have the honour to inclose copy, of other irregularities in his condemnation.

Under these circumstances, I thought it advisable yesterday to call on the Resident-General, who has lately returned, and to place before him the facts as related by Mr. Harris.

M. Millet requested me to embody these in a note, of which I have the honour also to inclose copy.

As on my interview with M. Révoil, which I reported to your Lordship in my despatch No. 11 of the 3rd instant, I requested Mr. Michell to accompany me.

I have the honour to inclose herewith Mr. Michell's account of the interview, for the accuracy of which I can vouch.

M. Millet expressed the greatest surprise when we informed him that M. Révoil had stated that it was the intention of the French Government to crush the missionaries, and repudiated this statement with considerable vehemence.

He was evidently much alarmed at the idea that I should have informed your Lordship of this statement, and professed to think it impossible that M. Révoil could have made it. I replied that, although I could not answer for the word "écraser," the fact that both Mr. Michell and myself, writing independent accounts of this interview directly afterwards, had used the word "crush" sufficiently showed the impression which had been left on our minds by M. Révoil's words.

M. Millet again protested against any such intention on the part of his Government, and said that the measures taken were simply precautionary, and were only applicable to the south, where, in view of the Senoussi influence (which I believe to be a complete bugbear), they feared any cause which was in the least likely to give offence to the Arabs.

His whole tone was most conciliatory, not to say apologetic, and was faithfully rendered by Mr. Michell's remark to me as we left, "What a complete climb down."

I need hardly say that I met him half-way, at the same time giving him to understand that, whatever the position might be, it was one which was due to the action of the authorities, which, even if legal, would appear to be unnecessary.

It remains to be seen whether effect will be given to M. Révoil's or to M. Millet's declarations, which completely contradict one another.

I have, &c.
(Signed) W. H. D. HAGGARD.

Inclosure 1 in No. 7.

Mr. H. Harris to Consul-General Haggard.

My dear Consul,

Gabes, Tunis, February 6, 1897.

ON the 21st ultimo I was fined 30 fr. by the Juge de Paix here for giving Testaments and tracts to people who attended meetings in our own house—in the front room on the ground floor. I maintain that these meetings are not public meetings, inasmuch as each time they are held I exercise my right to admit some people and also refuse admittance to others.

I appealed against the above sentence, and have received notice that my appeal is to be heard at Susa on the 24th instant before the Procureur de la République. Since the first prosecution we have made our meetings still more private, keeping the door shut, so that those who wish admission have to knock; notwithstanding this, however, I was yesterday again summoned and fined 15 fr. for distributing books at our meetings. I do not intend to pay either of the fines, as I prefer to suffer imprisonment as a protest against such tyrannical interference with the liberty of conscience and of private meetings for the worship of God.

I shall be much obliged if—

1. You can obtain for me, according to Article VI of the Treaty of Commerce of July 1875, the permission of the Bey to have my hall or "magasin" recognized by the authorities as a church or temple, consecrated to Protestant worship.

2. If you could assist me to obtain licence as a colporteur to sell and distribute the Holy Scriptures and Christian tracts (in which there is nothing of a political nature) in my hall as well as in public streets, &c., according to the law on the liberty of the press. This licence can only be obtained through the "Premier Ministre de Son Altesse le Bey."

With kind regards.

With, &c.
(Signed) HERMANN HARRIS.

Inclosure 2 in No. 7.

Consul-General Haggard to Mr. H. Harris.

Sir,

Tunis, February 10, 1897.

I AM obliged to you for the information contained in your letter of the 5th instant, which I lost no time in placing before the Minister for Foreign Affairs, who promised me that an inquiry should be held into the matter.

You would, with reference to your request that I should obtain the permission of the Bey to have your hall or "magasin" recognized as a church or temple, appear to have misread Article VI of the Treaty of Commerce of July 1875, which you quote in support of that request, for the reading of that Article is:

"They shall be free to erect churches," &c., and says nothing about licensing rooms or "magasins."

I am, &c.
(Signed) W. H. D. HAGGARD.

P.S.—I cannot impress upon you too strongly the advisability of your adopting the most conciliatory attitude towards the authorities, and avoiding anything which could be construed into an act of provocation or of disrespect to the laws or authorities of the Regency. Apart from other obvious considerations, you will thus best serve the interest to the work in which you are engaged.

W. H. D. H.

Inclosure 3 in No. 7.

Mr. H. Harris to Mr. G. B. Michell.

My dear George,

Gabes, Tunis, February 6, 1897.

MANY thanks for your letter. I am not surprised to hear that your workers in Susa have also been prosecuted. I was again before the Juge de Paix on Thursday.

and fined on three fresh counts 5 fr. each. These cannot be appealed against to Suse, but at the Cour de Cassation at Paris, and we are debating whether or not to do so, as one of the indictments is for distributing at a meeting on a Tuesday, when we had no meeting at all. It is a mistake they have made in the date; they meant to have put Monday, the 25th January; but even then we gave no books away that evening. The Commissaire says we did, and he produced two Arabic hymn-books, which we had lent to two Arabs at the meeting to join in the singing, and which they were specially told not to take away. So I told the Commissaire they were stolen.

My appeal against our previous fine is to be heard at Suse on Wednesday, the 24th instant. It is most disgraceful of the authorities to have intercepted my letter to the Consul.

Many thanks for representing our case to the Consul. I wrote him another letter two days ago.

Yours, &c,
(Signed) HERMANN HARRIS.

Inclosure 4 in No. 7.

Consul-General Haggard to M. Millet.

M. le Ministre,
WITH reference to our conversation of yesterday, I have the honour to inform you that on reference to Article 7 of the Law of the 2nd January, 1897, I find that it states that:—

"Nul ne pourra exercer, même temporairement, la profession de crieur, de vendeur, ou de distributeur sur la voie publique, ou dans les lieux ou réunions publiques d'écrits, dessins, ou emblèmes sans autorisation préalable des fonctionnaires délégués à cet effet par le Premier Ministre de Son Altesse le Bey."

Mr. Harris, an English missionary at Gabes, has however informed me—

That he was fined on the 21st ultimo 30 fr. for giving Testaments and tracts to people who attended meetings in his own house in the front room on the ground floor. He maintains that these meetings can in no way be considered as public meetings inasmuch as each time they are held he exercises his right to admit some people and refuse admittance to others.

He therefore appealed against the above sentence and has received notice that his appeal is to be heard at Suse on the 24th instant.

Since the first prosecution he asserts that he has made his meetings still more private by keeping the door shut, so that those who wish for admission have to knock, notwithstanding which he was again summoned on the 4th instant and fined 15 fr. for distributing books in public meetings. He was thus fined for distributing them on three occasions 5 fr. on each occasion, one of them being Tuesday the 26th ultimo, a day on which he asserts that he held no meeting at all, but he adds that, in any case, he did not on any occasion distribute books, and that the two Arabic hymn-books which were produced by the "Commissaire" as having been distributed had been lent to two Arabs at the meeting to join in the singing, with strict injunctions that they should be returned. As these men carried them away, they were simply stolen. This statement did not affect the "Commissaire's" decision.

It would therefore appear that, supposing what Mr. Harris says is correct, even under the strict application of Article 7 of the Law in question, there have been three irregularities in its application which led to the several convictions.

1. He was condemned for distributing "écrits" at public meetings when he had not distributed them at all.

2. He was condemned for so distributing them at a public meeting on a day on which there was no meeting, public or private.

3. He was condemned for distributing "écrits" at a public meeting, whereas his meetings were essentially of a private character.

Without, therefore, entering into the general question of the liability of missionaries to a provision of a Law which was framed to meet abuses of the press it would seem that, even under the terms of that Law itself, Mr. Harris has, unless we are to disbelieve his statement, been unjustly condemned on separate occasions, and I have the honour to request that you will give effect to the assurance which you gave me yesterday, when you

were good enough to request that I should lay this matter before you in writing, by causing a strict inquiry to be made into this (as it would seem possible), improper application of the Law which resulted in Mr. Harris' condemnation.

I may remark that the smallness of the fine (5 fr.) for each of the later condemnations does not affect the principle of the matter, specially as, by the infliction of so light a penalty, Mr. Harris is by law debarred from any appeal to a higher Court.

I take note of your assurance to me and to Mr. Michell yesterday that the French Government have no intention or desire to suppress the missionaries in the Regency, and that the measures being taken against them are purely precautionary and only applicable to the south in view of the danger of an outbreak of Mahomedan fanaticism in those regions and the fear of consequent political complications.

I avail, &c.
(Signed) W. H. D. HAGGARD.

Inclosure 5 in No. 7.

Mr. G. B. Michell to Consul-General Haggard.

Dear Mr. Haggard, *North Africa Mission, Tunis, February, 10, 1897.*

IN compliance with your request, I will write down for you an outline of the conversation which took place between M. Millet, the French Resident-General at Tunis, and yourself and myself on Tuesday afternoon, the 8th instant, at the French Residency.

You began by telling M. Millet that you had had a letter from a missionary at Gabes, Mr. Hermann Harris, complaining that he had been prosecuted and fined for distributing books at public meetings, whereas the meetings were not public, but private, and that, as on one occasion for which he had been fined, there was an inaccuracy as to the date, and also Mr. Harris had not distributed or given away any books on that occasion. Two books which were produced as having been given had really been stolen from Mr. Harris. His Excellency replied that these statements involved a question of facts which he would certainly have an inquiry made into. You remarked that, apart from the question of the applicability of the Law of 1894 on the press to English missionaries, it would seem as if an attempt had been made in this case to go beyond even that Law. You then asked me to read out the parts of my brother-in-law's (Mr. Harris') letter to me, in which he made the same complaint as to you. M. Millet said again that it is a question of fact to be inquired into, and that he knew the Juge de Paix at Gabes to be a kindly man, who would certainly not oppress any one, or commit injustice. I answered that I had heard from my sister-in-law that in private life the officials were very kind and agreeable. It was under orders from head-quarters that these prosecutions were undertaken. His Excellency said that it is quite true that the Government of the Protectorate is putting the law more strictly in force in the south of the Regency. He also said that the possessions of Great Britain are vast enough for all sorts of missionary effort, and the Moslems of India number many millions. He said that Frenchmen naturally wonder why Englishmen should leave the vast Mussulman population of India, where they might consider they had some responsibility, to come and interfere with the 2,000,000 or 3,000,000 of Moslems under French rule in North Africa. You observed that, as a matter of fact, there were more English missionaries in India than anywhere else, and that there were large numbers of French Roman Catholic missionaries there who engage in an active propaganda, which the English authorities in no way interfered with, and that, doubtless, missionaries consider the whole world to be the Kingdom of God, and they do not look at territorial boundaries. M. Millet said that there is another consideration with regard to Tunis. As every one knows, there exists a dangerous organization in Tripoli, the Senoussi, and large numbers of French subjects had crossed the Algerian and Tunisian borders to join them. Even Europeans, as, for example, the late Marquis de Morès, sometimes imagined they could accomplish some purpose by communicating with the Senoussi and other similar confraternities, and only the other day an individual, apparently a European disguised as an Arab, had been arrested while endeavouring to cross the South Tunisian frontier. French people could not understand English missionaries haunting those districts for long years. It was very difficult to persuade the French public that these missionaries had no political object whatever. I answered that such is positively the case, however. (I would remark here that I have travelled considerably in Tunis, Tripoli, and Algeria during the last ten years, and have made numerous inquiries about these Senoussi, &c., and from what I have gathered I am persuaded that the fears of the French are mostly imaginary.) You

said that you presumed, then, from what he had just said, that the considerations and the action of the authorities concerned only the south and the frontiers of this Regency. His Excellency assented to this, and we rose to leave.

However, on my asking you if you would kindly obtain for me from M. Millet a copy of the Law on the liberty of the press of the 14th October, 1884, his Excellency said he would certainly send copies of it to you for me. He said the whole Law, as amended, has been republished.

You pointed out that the means taken to crush the missionaries were hardly calculated to give pleasure. M. Millet took strong exception to the use of the word "crush," saying that it is not the habit of the French Government to crush anybody or anything; on the contrary, their respect for personal liberty is very great. You said that M. Révoil had stated that the French Government intended to crush the missionaries. His Excellency could not believe for a moment that M. Révoil would use the word "écraser" in this connection.

You answered that, whether M. Révoil used the French word "écraser" or not, he had certainly expressed the sentiment "that the French Government were determined to crush all propaganda of religion in Tunis." You turned to me, asking whether such was not also my recollection. I answered that M. Révoil had not once, but twice or three times, said positively that the French Government were quite determined to completely suppress all missionary work like ours in every way throughout the Regency. My recollection was clear on the point, and such was the effect on my mind at the time that I, immediately on arriving home, wrote two letters quoting that expression, and pointing out that our very existence as missionaries was thus at stake. You said that we had thus, independently, received the same impression, which you had also noted in writing on your return to your Consulate. M. Millet said he could not imagine M. Révoil uttering such a sentiment, which, in any case, is not the fact. He seemed quite moved, not to say alarmed, at the thought of that being reported to the British Government.

I left the Residency with the feeling that our case had had a distinctly more favourable aspect given to it, and that the Government of the Protectorate had abated very considerably their intentions. I understood M. Millet to assure us plainly that the restrictions they wish to place upon our work apply only to the south of Tunis and to the frontier, and only to a part, i.e., to the colportage of books, of our missionary activities. I would point out to you that this does not agree with their action in prohibiting the Swedish ladies' work at Zaghouan, in the north, and Miss Scott's and Miss Bagster's at Suse and Monastir, on the sea coast, in the centre, of the Regency.

I forgot to mention that I promised to M. Millet to write to him a private letter explaining the character, the aims, and the doctrines of the North African Mission, which he said would interest him very much.

Curiously enough, on leaving the Residency, and while in the "Avenue de France," opposite the Officers' Mess, a hand-bill about a concert was thrust into my hand. I have the gravest doubts whether the Law under which we are prosecuted has been applied in this and many similar cases. If not, we have been very invidiously singled out for the application of a Law which was rather intended for them than for us. As a matter of fact, the Commissaire de Police at Monastir told me that only two prosecutions had ever been taken out under this Law, both against newspapers.

Yours very sincerely,
(Signed) GEORGE B. MICHELL.

No. 8.

Consul-General Haggard to the Marquess of Salisbury.—(Received February 20.)

(No. 18.)

My Lord,

Tunis, January 13, 1897.

WITH reference to my despatch No. 16 of the 10th instant, I have the honour to inclose herewith copy of a letter which I have addressed to Mr. Michell on the subject of complaints of the missionaries against the action of the authorities.

I will not trouble your Lordship with copies of the whole correspondence with reference to the summoning of the ladies at Monastir, to which allusion is made in my letter to Mr. Michell, as, perhaps, the circumstances connected with it are sufficiently indicated. Two salient facts will probably be apparent to your Lordship, the first, that M. Millet's contention that the measures in question are only applicable to the south is

hardly accurate, as Monastir can scarcely be considered as coming under that description; the second, that although Mr. Michell himself appears to be a man of prudence, ability, and trustworthiness, some of his subordinates are rather awkward people to deal with and to help.

I have, &c.
(Signed) W. H. D. HAGGARD.

Inclosure in No. 8.

Consul-General Haggard to Mr. G. B. Michell.

Tunis, February 9, 1897.

Sir,
I BEG to acknowledge the receipt of your letter of the 23rd ultimo, and of the 2nd and 5th instant with reference to the action of the authorities of the Protectorate against missionaries.

I beg to inform you that I lost no time in communicating the first of these letters to Her Majesty's Government.

With reference to the third, I take note of your statement that Miss Scott's assertions to the Commissary of Police at Monastir were incorrect, and that, as you state, in asserting that she had had communications with me, that she meant that you had had these communications, that the "reply" to which she alludes as made to her was made to you, and that her statement that I had informed her not to do anything without consulting me ought to have been that I had recommended you to keep me informed, and that this was not in any sense a recommendation to you to appeal to me rather than to submit to the law.

I cannot impress upon you too strongly the necessity of your insisting on your agents throughout the Regency acting in accordance with the law by answering summons, &c.; nor in any case should they invoke my authority as against that of the local jurisdiction. By so doing they will not only be acting wrongly and unjustifiably, but foolishly, for they will then put themselves completely in the wrong, and provoke a conflict which it must be to the interest of your Society to avoid, and moreover, by compromising this Consulate-General with the authorities render my task doubly difficult.

I am, &c.
(Signed) W. H. D. HAGGARD.

No. 9.

Foreign Office to the North Africa Mission.

Foreign Office, February 20, 1897.

Sir,
I AM directed by the Marquess of Salisbury to acknowledge the receipt of your letter of the 9th instant relative to fines which have been imposed upon some of the English missionaries in Tunis for distributing tracts and copies of the Bible or New Testament without a licence.

I am to say, in reply, that Lord Salisbury has received copies of the correspondence, referred to in your communication, from Mr. Haggard, who has made representations to the French Resident respecting the action of the authorities, and has received an assurance that there is no intention of acting oppressively or vexatiously, but that it is considered necessary to take certain precautions against exciting Mussulman fanaticism; an argument which is not easy to contradict.

Lord Salisbury understands that the legality of the sentences imposed upon the missionaries is to be tested in a higher Court, but the terms of the British Treaty with Tunis of the 19th July, 1875, do not, on examination, appear to afford any ground for a protest on the part of Her Majesty's Government.

I am, &c.
(Signed) T. H. SANDERSON.

The Marquess of Salisbury to Consul-General Haggard.

(No. 4.)

Sir,

Foreign Office, February 26, 1897.

I HAVE received your despatches Nos. 16 and 18, Confidential, of the 10th and 13th instant, inclosing correspondence with Mr. Harris, a missionary residing at Gabès, relating to a fine inflicted on him by the Juge de Paix at that place, and I approve the note which you subsequently addressed to the Resident General on this subject.

I also transmit, for your information, copies of correspondence which has taken place with the North Africa Mission on the subject,* together with a Memorandum drawn up in this Office† showing that, in existing circumstances, the terms of the British Treaty with Tunis of the 10th July, 1875, do not appear to afford any ground for a protest on the part of Her Majesty's Government.

I am, &c.
(Signed) SALISBURY.

No. 11.

Consul-General Haggard to the Marquess of Salisbury.—(Received March 1.)

(No. 3. Confidential.)

My Lord,

Tunis, February 19, 1897.

IN my despatch No. 16 of the 10th instant I had the honour to transmit the note which on that day I had addressed to the Beylical Government with reference to their measures against missionaries in the Regency.

I now have the honour to transmit a copy of the reply to that communication.

The last part of this note is the most important, and, though it would appear to require some answer, I feel myself in a difficulty about that rejoinder. If I answer M. Millet as I well might, that he did make the statement which he now denies, I shall find myself engaged in an official dispute with him of a personal nature on a question of fact, which might be, on his side at all events, of an acrimonious character, and which might compromise our relations, which have hitherto been of a very friendly nature.

If, on the other hand, his note be allowed to pass without notice, it will appear that I accept his assertion that I have misstated what he said to me, which would also appear to be undesirable.

I have thought it therefore better to leave the matter to your Lordship.

There can be no doubt that his written statement is at variance with that which he made verbally to me and to Mr. Michell.

That gentleman, writing to me an account of the interview on the same evening, says: "You said you presumed from what he (M. Millet) had just said that the considerations and actions of the authorities concerned only the south of the Regency his Excellency assented. I understood M. Millet to assure us plainly that the restrictions they wanted to place upon our work apply only to the south of Tunis and to the frontier, and only to a part to the colportage of books."

The first part of this statement should have come last.

As we were leaving the room I said to M. Millet: "Then I am distinctly to understand that the measures being taken are simply precautionary, and only applicable to the South." M. Millet replied in the affirmative, and as soon as the door was closed Mr. Michell said to me, "I wonder how he reconciles that statement with the measures being taken against the ladies in Monastir and Zaghouan."

My despatch to your Lordship, in which I gave my account of the interview, was written before I had received Mr. Michell's letter, with which it is identical in all essentials; I recollect M. Millet making the remark to which he alludes about M. de Morès when speaking of the Senoussi. It is not necessary for me to point out the absurdity of suggesting that there can be any possibility of drawing a deduction which can affect missionaries in Tunis, from a murder committed by the desert Touaregs, who have no relations whatever with the Regency save such as are afforded by an occasional raid on the extreme southern frontier.

In view of past experience here, I thought it advisable to take the precaution of having Mr. Michell present with me at these interviews, and requested him to

* Nos. 3 and 2.

† No. 5.

write me an account of them directly afterwards, precautions which would appear to have been justified.

Your Lordship will observe that M. Millet does not now in his note definitely deny that M. Révoil made the statement as to the intention of the French Government to suppress the missionaries, my assertions as to which so excited his indignation at our interview. This reserve, taken with his subsequent denial of his own opposite statement, would seem to be not without significance.

The fact, as I take it, is that M. Révoil has asserted the authority of "adjoint" or "dry-nurse," which is becoming more and more apparent, and has thus induced his nominal Chief to deny his own words, about which the latter well knows that there can be no possible dispute.

It would seem, therefore, that now the position is very much what it was after my interview with M. Révoil, reported in my despatch No. 11 of the 2nd instant.

I do not hesitate to say that this spiteful persecution of the missionaries is purely vexatious, for which the causes are probably to be sought at a distance from the Regency of Tunis. It does seem a pity in the interests of the Regency that the French authorities, instead of employing their policy in checking and punishing the numerous crimes of murderous violence which are becoming more and more common, of which the still unpunished murder of the Leach family is an instance, occupy their time in these petty persecutions of harmless and inoffensive Englishmen and Englishwomen.

I saw Mr. Harris yesterday. He tells me that M. Millet's assertion that he was requested to leave Tripoli by the Turkish authorities is absolutely without foundation, a statement which was confirmed by Mr. Michell, who was there, and I think said, left with him. They said that he was on the most friendly and intimate terms with the Turkish authorities, and left entirely of his own free will. This will show your Lordship how reckless the French authorities here are in their official statements when they want to justify an equivocal action.

Notwithstanding all I and Mr. Michell could say to persuade Mr. Harris to the contrary, he declares that he will not pay the fines, neither that of 30 fr., about which he has appealed at Sousse, if he lose the appeal, nor those amounting to 15 fr., and he appeared to enjoy the prospect of going to prison instead. I warned him fully of the consequences of this decision, but greatly fear that this is not the last we shall hear of him.

I emphatically repeated my advice contained in my letter to him of the 10th instant, which he told me he had not received, but am afraid that his ambition of becoming a martyr will prevent its having much effect on him. Added to this, he has also a lively and perhaps not unnatural feeling of indignation against the, as he considers, illegal and tyrannical persecution to which he is being subjected.

He pointed out to me that, apart from the irregularities which he mentioned in his letter, a copy of which was forwarded in my above-mentioned despatch, he can in no way be considered to "exercise the profession" of distributor of "écrits," and that, moreover, the word "écrits" means pamphlets or hand-bills, the Bible not coming under that description, as it is always called the "Sainte Ecriture."

I have the honour to inclose the text of the whole of the Law in question. It is headed, "Texte de la Loi sur la Presse," and not only its whole spirit, but every Article, and I may almost say every word of it, is devoted to press or bill-posting offences, and it would seem that it is only by the most strained interpretation of its letter, even if by that, that it can be tortured into any application to Mr. Harris' action.

I have, &c.
(Signed) W. H. D. HAGGARD.

Inclosure 1 in No. 11.

*M. Millet to Consul-General Haggard.**M. le Consul-Général,**Tunis, le 17 Février, 1897.*

J'ai l'honneur de vous accuser réception de la lettre que vous avez bien voulu m'adresser le 10 de ce mois relativement aux condamnations prononcées contre Mr. Harris, sujet Britannique, par le Tribunal de Simple Police de Gabès.

Ainsi que je vous en avais donné l'assurance dans notre entretien du 9 Février, j'ai prescrit une enquête sur les faits reprochés à ce missionnaire, ainsi que sur

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l'application qui lui a été faite du Décret du 9 Janvier, 1897, et j'aurai soin de vous en communiquer les résultats. Toutefois, il est évident que cette mesure d'ordre administratif ne saurait avoir effet d'infirmier des décisions judiciaires, et qu'au point de vue pénal la question relève exclusivement des Tribunaux compétents. A cet égard, le Tribunal de Soussa aura à apprécier, dans le cas qui lui est soumis, si les livres de Mr. Harris ont été distribués en public, suivant les termes de la Loi, ou dans une réunion privée.

Sans me prononcer sur ce point actuellement soumis à une double information administrative et judiciaire, je puis vous faire remarquer que Mr. Harris est tout au moins suspect d'impudence habituelle; il résulte en effet de nos derniers renseignements qu'il a été invité à quitter la Tripolitaine à la suite d'agissements qui avaient excités les inquiétudes de l'autorité Ottomane.

En ce qui concerne les intentions du Gouvernement du Protectorat vis-à-vis des missionnaires, je crois utile de préciser le sens de ce que je vous ai dit, en vue de prévenir tout malentendu. Comme vous exprimez la crainte que le Gouvernement Français veuille détruire les missionnaires dans la Régence, je vous ai répondu qu'il n'était pas dans nos habitudes d'exercer des persécutions, et que nous demandions simplement aux étrangers de se soumettre aux lois et règlements du pays. J'ai ajouté que nous devons exercer une surveillance particulièrement attentive sur la frontière du sud, afin d'éviter des explosions de fanatisme ou des faits aussi regrettables que le massacre de M. de Morès et de ses compagnons. Mais je n'ai jamais dit, ainsi que vous paraissez le croire, que les mesures de précautions contre une propagande d'impulsion n'étaient applicables qu'au sud. Nous nous réservons de les appliquer partout où nous jugeons que cette propagande présente des dangers ou simplement des inconvénients toujours sous la réserve que nous n'adopterons aucune disposition exceptionnelle, mais que nous veillerons à la stricte application de la loi.

Agreez, &c
(signé) RENE MILLET.

Inclure 2 in No. 11.

Extract from the "Journal Officiel Tunisie" of January 5, 1897

Texte de la Loi sur la Presse en Tunisie mise en harmonie avec les Modifications résultant du Décret du 2 Janvier, 1897.

ARTICLE 1^{er}. Les Chapitres I, II, et IV de la Loi du 20 Juillet, 1881, sur la liberté de la presse Française seront promulgués et sont déclarés applicables en Tunisie sous les modifications du Décret de Promulgation et du présent Décret.

Art. 2. Un cautionnement de 10,000 piastres (5,000 fr.) est établi pour tous les journaux politiques publiés en Tunisie; ce cautionnement est fixé à 5,000 piastres (3,000 fr.) pour les journaux non politiques.

Sont exceptées, les feuilles ayant pour unique objet: la publication des avis, annonces, affiches judiciaires, arrivages maritimes, mercantiles et prix courants, les cours de la bourse et des fondouks et marchés.

Art. 3. Le cautionnement sera affecté par privilège au paiement des frais, dommages-intérêts et amendes auxquels les propriétaires, gérants ou auteurs des Articles incriminés pourront être condamnés.

Le prélèvement s'opérera dans l'ordre indiqué par le présent Article.

Il pourra, en tout ou en partie, être grevé du privilège de second ordre au profit des bailleurs de fonds qui auront accompli les conditions exigées en pareil cas.

Art. 4. Tout journal ou écrit périodique qui aura encouru, dans la personne de son gérant ou dans celle de l'auteur d'un article incriminé, une condamnation à l'amende et à des réparations civiles affectant son cautionnement, sera tenu, dans un délai de quinze jours, à partir de la condamnation et nonobstant appel, opposition ou recours en Cassation, de consigner, à titre supplémentaire de cautionnement, le montant des réparations civiles et des amendes; à défaut de consignation dans ce délai, la publication cessera.

Art. 5. Toute infraction aux dispositions des Articles 2 et 4 du présent Décret sera punie d'une amende de 100 à 3,200 piastres (100 fr. à 2,000 fr.) et d'un emprisonnement de six jours à six mois.

Celui qui aura publié le journal ou écrit périodique et l'imprimeur seront solidairement responsables des amendes.

Art. 6. Sera punie d'une peine de deux mois à trois ans d'emprisonnement, et d'une amende de 100 à 5,000 piastres (100 fr. à 5,000 fr.), toute attaque, par un des moyens prévus par l'Article 23 de la Loi du 20 Juillet, 1881, contre Son Altesse le Bey, les Princes de sa famille, les cultes dont l'exercice est autorisé, et contre les droits et les pouvoirs de la République Française en Tunisie.

Art. 7. Nul ne pourra exercer, même temporairement, la profession de crieur, de vendeur, ou de distributeur sur la voie publique, ou dans des lieux ou réunions publiques, d'écrits, dessins, ou emblèmes, sans autorisation préalable des fonctionnaires délégués à cet effet par le Premier Ministre de Son Altesse le Bey.

Cette autorisation pourra être retirée. Les contrevenants seront condamnés à une amende de 5 à 24 piastres (5 fr. à 15 fr.); ils pourront être condamnés en outre à un emprisonnement de un à six jours, sans préjudice des poursuites qui pourraient être dirigées pour crimes ou délits contre les auteurs ou éditeurs, soit contre les distributeurs, colporteurs, vendeurs ou crieurs eux-mêmes. En cas de récidive l'emprisonnement sera nécessairement prononcé.

Art. 8. Aucun écrit, soit à la main, soit imprimé, gravé ou lithographié contenant des nouvelles politiques, ou traitant d'objets politiques, ne pourra être affiché ou placardé dans les rues, places, ou autres lieux publics.

Sont exceptés les actes de l'autorité publique.

Toute contravention à la présente disposition sera punie d'une amende de 40 à 500 piastres (25 fr. à 500 fr.) et d'un emprisonnement de six jours à un mois, ou de l'une de ces deux peines seulement.

Art. 9. Les journaux, placards, affiches, et généralement tous écrits imprimés, distribués ou vendus dans les villes et lieux publics, ne pourront être annoncés que par leurs titres sous peine d'une amende de 25 à 500 piastres (15 fr. à 500 fr.) et d'un emprisonnement de six jours à un mois, ou de l'une de ces deux peines seulement.

Les mêmes qui annonceraient des titres contenant des imputations ou expressions injurieuses seront punis des mêmes peines.

Art. 10. Dans chaque commune le Président de la Municipalité, et dans les autres localités le Gouverneur ou le Kaid, désignera, par Arrêté, les lieux exclusivement destinés à recevoir les affiches des lois et autres actes de l'autorité publique. Il est interdit d'y placarder des affiches particulières.

Les affiches des actes émanés de l'autorité seront seules imprimées sur papier blanc. Toute contravention aux dispositions du présent Article sera punie des peines portées en l'Article 2 de la Loi du 20 Juillet, 1881.

Art. 11. Ceux qui auront enlevé, déchiré, recouvert ou altéré, par un procédé quelconque, de manière à les travestir ou à les rendre illisibles, des affiches apposées par ordre de l'Administration dans les emplacements à ce réservés, seront punis d'une amende de 5 à 24 piastres (5 fr. à 15 fr.). Si le fait a été commis par un fonctionnaire ou un agent de l'autorité publique, la peine sera d'une amende de 25 à 100 piastres (15 fr. à 100 fr.) et d'un emprisonnement de six jours à un mois, ou de l'une de ces deux peines seulement.

Art. 12. Dans le cas où des Européens seraient inculpés d'avoir commis un des crimes, délits, ou contraventions prévus par la présente Loi, dans un journal ou écrit périodique en langue Arabe ou Hébraïque, cette publication pourra être suspendue ou interdite par nous. Il en sera de même lorsque le journal ou écrit périodique aura encouru une condamnation judiciaire.

De la Procédure

Art. 13. Les crimes, délits, et contraventions prévus par la présente Loi, et les infractions à ces diverses dispositions dont les indigènes seront inculpés, seront déférés à l'Ouzara.

Art. 14. La poursuite devant les Tribunaux Français aura lieu dans les formes et délais prescrits et devant les juridictions déterminées par le Code d'Instruction Criminelle et par la Loi du 27 Mars, 1883, sauf les modifications suivantes:—

1. Dans le cas de diffamation envers les particuliers prévu par l'Article 32, et dans le cas d'injure prévu par l'Article 33, paragraphe 2, de la Loi du 20 Juillet, 1881, la poursuite n'aura lieu que sur la plainte de la personne diffamée ou injuriée.

2. Dans le cas d'injure ou de diffamation envers les Cours, Tribunaux, et autres corps indiqués en l'Article 30 de la Loi du 29 Juillet, 1881, la poursuite n'aura lieu que sur une délibération prise par une assemblée générale et requérant les poursuivus ou, si le corps n'a pas d'assemblée générale, sur la plainte du chef duquel ce corps relève;

3. Dans le cas d'injure ou de diffamation envers les fonctionnaires publics, les dépositaires ou agents de l'autorité publique, les Ministres des Cultes, Musulman, Chrétien, ou Israélite, et les citoyens chargés d'un service ou mandat public, la poursuite aura lieu soit sur leur plainte, soit sur celle du chef dont son service relève;

4. Dans le cas de diffamation envers un assesseur ou un témoin, délit prévu par l'Article 31 de la Loi du 29 Juillet, 1881, la poursuite n'aura lieu que sur la plainte de l'assesseur ou du témoin qui se prétendra diffamé;

5. Dans le cas d'offense ou d'outrage, prévu par les Articles 36 et 37 de la Loi du 29 Juillet, 1881, la poursuite aura lieu soit à la requête de l'offensé ou de l'outragé, soit d'office, sur sa demande adressée au Ministre des Affaires Étrangères de la République Française ou du Ministre Résident de France à Tunis.

Art. 15. La citation précèdera et qualifiera le fait incriminé. Elle indiquera le texte de Loi applicable à la poursuite; le tout à peine de nullité de la dite poursuite.

Art. 16. Quand le prévenu voudra être admis à prouver la vérité des faits diffamatoires, conformément aux dispositions de l'Article 35 de la Loi promulguée ci-après, il devra, dans les cinq jours qui suivent la notification de la citation faire signifier au Ministère Public près le Tribunal, ou au plaignant, au domicile par lui élu, suivant qu'il est assigné à la requête de l'un ou de l'autre:—

1. Les faits articulés et qualifiés dans la citation desquels il entend prouver la vérité;

2. La copie des pièces;

3. Les noms, professions, et demeures des témoins par lesquels il entend faire sa preuve. Cette signification contiendra élection de domicile près le Tribunal, le tout à peine d'être déchu du droit de faire la preuve.

Art. 17. L'action publique et l'action civile résultant des crimes, délits, et contraventions prévus par le présent Décret et la Loi promulguée ci-après, se prescrivent après cinq mois révolus à compter du jour où ils auront été commis ou du jour du dernier acte de poursuite, s'il en a été fait.

Art. 18. L'Article 463 du Code Pénal Français est applicable dans tous les cas prévus par le présent Décret et la Loi promulguée ci-après.

Décret de Promulgation.

Les Chapitres I, II, et IV de la Loi Française du 29 Juillet, 1881, sont promulgués en Tunisie sous les modifications suivantes, et les autorités Administratives et Judiciaires de la Régence sont invitées à les observer et à les faire observer.

Chapitre I^{er}.—De l'imprimerie et de la Librairie.

Article 1^{er}. L'imprimerie et la librairie sont libres.

Art. 2. Tout imprimé rendu public, à l'exception des ouvrages dits de ville ou bilboquet, portera l'indication du nom et du domicile de l'imprimeur, à peine contre celui-ci d'une amende de 8 à 24 piastres (5 fr. à 15 fr.). La peine de l'emprisonnement pourra être prononcée si dans les douze mois précédents l'imprimeur a été condamné pour contravention de même nature.

Art. 3. Au moment de la publication de tout imprimé il en sera fait, par l'imprimeur, sous peine d'une amende de 25 à 500 piastres (15 fr. à 300 fr.), un dépôt de deux exemplaires destinés aux collections Beylicales. Ce dépôt sera fait aux archives du Gouvernement, à Tunis.

Les publications imprimées hors de Tunis devront être adressées franc de port à l'archiviste par le premier courrier qui suivra la publication.

L'acte de dépôt mentionnera le titre de l'imprimé et le chiffre du tirage. Sont exceptées de cette disposition les bulletins de vote, les circulaires commerciales ou industrielles, et les ouvrages dits de ville ou bilboquet.

Art. 4. Les dispositions qui précèdent sont applicables à tous les genres d'imprimés ou de reproductions destinés à être publiés, ainsi qu'aux estampes, à la musique, et, en général, aux reproductions autres que les imprimés.

Chapitre II.—De la Presse Périodique.

§ 1^{er}. Du Droit de Publication, de la Gérance, de la Déclaration, et du Dépôt.

Art. 5. Tout journal ou écrit périodique peut être publié sans autorisation préalable, après l'accomplissement des formalités prescrites par l'Article 7.

Art. 6. Tout journal ou écrit périodique, publié en langue Européenne, aura un gérant Européen. Tout journal ou écrit périodique, publié en tout ou en partie en langue Arabe ou Hébraïque, aura un gérant Tunisien.

Le gérant devra être domicilié en Tunisie, majeur, avoir la jouissance de ses droits civils, et n'être privé de ses droits civils par aucune condamnation judiciaire.

Art. 7. Avant la publication de tout journal ou écrit périodique, il sera fait, au Parquet du Procureur de la République pour les publications en langue Européenne, et au Secrétaire Général du Gouvernement pour celles en langue Arabe ou Hébraïque, une déclaration contenant:—

1. Le titre du journal ou écrit périodique, et son mode de publication;

2. Le nom, le domicile, et la nationalité du gérant;

3. L'indication de l'imprimerie où il doit être imprimé;

4. L'indication de la langue dans laquelle sera faite la publication;

5. Un certificat du Receveur Général des Finances constatant le dépôt du cautionnement pour les publications qui y sont soumises.

Toute mutut ou dans les conditions ci-dessus énumérées sera déclarée dans les cinq jours qui suivront.

Art. 8. Des déclarations seront faites par écrit, et signées des gérants. Il en sera donné récépissé.

Art. 9. En cas de contravention aux dispositions prescrites par les Articles 6, 7, et 8, le propriétaire, le gérant, ou à défaut, l'imprimeur, sera puni d'une amende de 40 à 400 piastres (20 fr. à 500 fr.). Le journal ou écrit périodique ne pourra continuer sa publication qu'après avoir rempli les formalités ci-dessus prescrites, à peine, si la publication irrégulière continue d'une amende de 150 piastres (100 fr.) prononcée solidairement contre la même personne pour chaque numéro publié à partir du jour de la prononciation du jugement de condamnation si ce jugement est contradictoire, et du troisième jour qui suivra sa notification s'il a été rendu par défaut, et ce nonobstant opposition ou appel.

Le condamné même par défaut peut interjeter appel. Il sera statué par la Cour dans le délai de trois jours.

Art. 10. Au moment de la publication de chaque feuille ou livraison du journal ou écrit périodique, il sera remis au Parquet du Procureur de la République ou à la Justice de Paix dans les villes où il n'y a pas de Tribunaux de Première Instance, deux exemplaires signés du gérant.

Pareil dépôt sera fait aux archives du Gouvernement.

Les gérants des journaux et écrits périodiques publiés hors de Tunis enverront à l'archiviste, franc de port, et par le premier courrier qui suivra la publication, deux exemplaires de chaque feuille ou livraison. Chacun de ces dépôts sera effectué sous peine de 50 piastres (30 fr.) d'amende contre le gérant.

Art. 11. Le nom du gérant sera imprimé au bas de tous les exemplaires, à peine contre l'imprimeur de 25 à 100 piastres (15 fr. à 100 fr.) d'amende pour chaque numéro publié en contravention à la présente disposition.

§ 2. Des Rectifications.

Art. 12. Le gérant sera tenu d'insérer gratuitement, en tête du prochain numéro du journal ou écrit périodique, toutes les rectifications qui lui seront adressées par un dépositaire de l'autorité publique, au sujet des actes de sa fonction qui auront été inexactement rapportés par le dit journal ou écrit périodique. Toutefois, ces rectifications ne dépasseront pas le double de l'article auquel elles répondent. En cas de contravention, le gérant sera puni d'une amende de 100 à 1,600 piastres (100 fr. à 1,000 fr.).

Art. 13. Le gérant sera tenu d'insérer dans les trois jours de leur réception, ou dans le plus prochain numéro, s'il n'en était pas publié avant l'expiration des trois

jours, les réponses de toute personne nommée ou désignée dans le journal ou écrit périodique sous peine d'une amende de 80 à 900 piastres (50 fr. à 500 fr.) sans préjudice des autres peines ou dommages-intérêts auxquels l'Article pourrait donner lieu.

Cette insertion devra être faite à la même place et en mêmes caractères que l'article qui l'aura provoquée. Elle sera gratuite lorsque les réponses ne dépasseront pas le double de la longueur du dit article. Si elles le dépassent le prix d'insertion sera dû pour le surplus seulement. Il sera calculé au prix des annonces.

§ 3. Des Journaux ou Ecrits Périodiques publiés en dehors de la Régence.

Art. 14. La circulation en Tunisie de journaux ou écrits périodiques publiés en dehors du territoire de la Régence, ainsi que la publication et la circulation en Tunisie des journaux ou écrits périodiques en langue Arabe ou Hébraïque, pourront être interdites par décision spéciale, contresignée par le Résident-Général de la République Française à Tunis.

L'impression, la mise en vente ou la distribution, faites au mépris de l'interdiction, seront punies d'une amende de 16 fr. à 1,000 fr., et en cas de récidive, d'un emprisonnement de six jours à trois mois.

Chapitre IV.—Des Crimes ou Délits commis par la Voie de la Presse ou par tout autre moyen de Publication.

§ 1^{er}. Provocation aux Crimes ou Délits.

Art. 23. Seront punis comme complices d'une action qualifiée crime ou délit ceux qui, soit par des discours, cris, ou menaces proférés dans les lieux ou réunions publiques, soit par des écrits, des imprimés vendus ou distribués, mis en vente ou exposés dans les lieux ou réunions publiques, soit par des placards ou affiches exposés aux regards du public, auront directement provoqué l'auteur ou les auteurs à commettre la dite action, si la provocation a été suivie d'effet.

Cette disposition sera également applicable lorsque la provocation n'aura été suivie que d'une tentative de crime prévue par l'Article 2 du Code Pénal Français.

Art. 24. Ceux qui par l'un des moyens énoncés en l'Article précédent auront directement provoqué soit au vol, soit au crime de meurtre, de pillage, et d'incendie, soit à l'un des crimes punis par l'Article 435 du Code Pénal, soit à l'un des crimes et délits contre la sûreté extérieure de l'Etat, prévus par les Articles 75 et suivants, et compris l'Article 95 du même Code, seront punis, dans le cas où cette provocation n'aurait pas été suivie d'effet, d'un an à cinq ans d'emprisonnement, et de 100 fr. à 3,000 fr. d'amende.

Ceux qui, par les mêmes moyens, auront directement provoqué à l'un des crimes contre la sûreté intérieure de l'Etat prévus par les Articles 80 et suivants, jusque et y compris l'Article 101 du Code Pénal, seront punis des mêmes peines.

Seront punis de la même peine ceux qui, par l'un des moyens énoncés en l'Article 23, auront fait l'apologie des crimes de meurtre, de pillage ou d'incendie, ou de vol, ou de l'un des crimes prévus par l'Article 435 du Code Pénal.

Art. 25. Toute provocation, par l'un des moyens énoncés en l'Article 23, adressée à des militaires des armées de terre et de mer, dans le but de les détourner de leurs devoirs militaires et de l'obéissance qu'ils doivent à leurs chefs dans tout ce qu'ils leur commandent pour l'exécution des lois et règlements militaires sera punie d'un emprisonnement d'un an à cinq ans et d'une amende de 100 fr. à 3,000 fr.

§ 2. Délits contre la chose Publique.

Art. 26. L'offense au Président de la République Française, par l'un des moyens énoncés dans l'Article 23 et dans l'Article 25, est punie d'un emprisonnement de trois mois à un an et d'une amende de 160 à 3,000 piastres (100 fr. à 3,000 fr.), ou de l'une de ces deux peines seulement.

Art. 27. La publication ou reproduction des nouvelles fausses, de pièces fabriquées, falsifiées, ou mensongères, attribuées à des tiers, sera punie d'un emprisonnement d'un mois à un an et d'une amende de 80 à 1,600 piastres (50 fr. à

1,000 fr.), ou de l'une de ces deux peines seulement, lorsque la publication ou reproduction sera de nature à troubler la paix publique et qu'elle aura été faite de mauvaise foi.

Art. 28. L'outrage aux bonnes mœurs, commis par l'un des moyens énoncés en l'Article 23, sera puni d'un emprisonnement d'un mois à deux ans, et d'une amende de 25 à 3,300 piastres (16 fr. à 2,000 fr.).

Les mêmes peines seront applicables à la mise en vente, à la distribution, ou à l'exposition de dessins, gravures, peintures, emblèmes, ou images obscènes.

§ 3. Délits contre les Personnes.

Art. 29. Toute allégation ou imputation d'un fait qui porte atteinte à l'honneur ou à la considération de la personne ou du corps auquel le fait est imputé est une diffamation. Toute expression outrageante, terme de mépris ou invective qui ne renferme l'imputation d'aucun fait est une injure.

Art. 30. La diffamation commise par l'un des moyens énoncés en l'Article 23 et en l'Article 28, envers les Cours, les Tribunaux, les armées de terre ou de mer, les corps constitués, et les Administrations publiques, sera punie d'un emprisonnement de huit jours à un an et d'une amende de 160 à 3,000 piastres (100 fr. à 3,000 fr.), ou de l'une de ces deux peines seulement.

Art. 31. Sera punie de la même peine la diffamation commise par les mêmes moyens, à raison de leur fonction ou de leur qualité, envers un ou plusieurs membres de l'une ou de l'autre Chambre, un fonctionnaire public, un dépositaire ou agent de l'autorité publique, un citoyen chargé d'un service ou d'un mandat public temporaire ou permanent, un accusateur ou un témoin, à raison de sa déposition.

Art. 32. La diffamation commise envers les particuliers, par l'un des moyens énoncés en l'Article 23 et en l'Article 28, sera punie d'un emprisonnement de cinq jours à six mois, et d'une amende de 40 à 3,300 piastres (25 fr. à 2,000 fr.), ou de l'une de ces deux peines seulement.

Art. 33. L'injure commise par les mêmes moyens envers les personnes désignées par les Articles 30 et 31 de la présente Loi sera punie d'un emprisonnement de six jours à trois mois et d'une amende de 25 à 800 piastres (16 fr. à 500 fr.), ou de l'une de ces deux peines seulement. L'injure commise de la même manière envers les particuliers, lorsqu'elle n'aura pas été précédée de provocation, sera punie d'un emprisonnement de cinq jours à deux mois et d'une amende de 25 à 800 piastres (16 fr. à 500 fr.), ou de l'une de ces deux peines seulement. Si l'injure n'est pas publique, elle ne sera punie que de la peine prévue par l'Article 471 du Code Pénal.

Art. 35. La vérité du fait diffamatoire, mais seulement quand il est relatif aux fonctions, pourra être établie par les voies ordinaires dans le cas d'imputation contre les corps constitués, les armées de terre ou de mer, les Administrations Publiques, et contre toutes les personnes énumérées dans l'Article 31.

La vérité des imputations diffamatoires et injurieuses pourra être également établie contre les Directeurs ou Administrateurs de toute entreprise industrielle, commerciale, ou financière faisant publiquement appel à l'épargne ou au crédit.

Dans les cas prévus aux deux paragraphes précédents, la preuve contraire est réservée. Si la preuve du fait diffamatoire est apportée, le prévenu sera renvoyé des fins de la plainte. Dans toute autre circonstance, et envers toute autre personne non qualifiée, lorsque le fait imputé est l'objet de poursuites commencées à la requête du Ministère Public, ou d'une plainte de la part du prévenu, il sera, durant l'instruction qui devra avoir lieu, suris à la poursuite et au jugement du délit de diffamation.

§ 4. Délits contre les Chefs d'Etat et Agents Diplomatiques et Etrangers.

Art. 36. L'offense commise publiquement envers les Chefs d'Etat étrangers sera punie d'un emprisonnement de trois mois à un an et d'une amende de 160 à 3,000 piastres (100 fr. à 3,000 fr.), ou l'une de ces deux peines seulement.

Art. 37. L'outrage commis publiquement envers les Ambassadeurs et Ministres Plénipotentiaires, Envoyés, Chargés d'Affaires, ou autres Agents Diplomatiques et Consulaires accrédités près de Son Altesse le Bey, sera puni d'un emprisonnement de huit jours à un an et d'une amende de 80 à 3,300 piastres (50 fr. à 2,000 fr.), ou de l'une de ces deux peines seulement.

§ 5. Publications Interdites. Immunités de la Défense.

Art. 38. Il est interdit de publier les actes d'accusation et tous autres actes de procédure criminelle ou correctionnelle avant qu'ils aient été lus en audience publique, et ce sous peine d'une amende de 50 à 1,000 piastres (50 fr. à 1,000 fr.).

Art. 39. Il est interdit de rendre compte des procès en diffamation où la preuve des faits diffamatoires n'est pas autorisée, et de ceux pour lesquels le huis clos aura été prononcé. La plainte seule pourra être publiée par le plaignant. Dans toute affaire civile, les Cours et Tribunaux pourront interdire le compte rendu du procès. Les interdictions ne s'appliqueront pas aux Jugements, qui pourront toujours être publiés. Il est également interdit de rendre compte des délibérations intérieures des Cours et Tribunaux. Toute infraction à ces dispositions sera punie d'une amende de 100 à 3,300 piastres (100 fr. à 2,000 fr.).

Art. 40. Il est interdit d'ouvrir ou d'annoncer publiquement des souscriptions ayant pour objet d'indemniser des amendes, frais, et dommages-intérêts prononcés par des condamnations judiciaires, en matière criminelle et correctionnelle, sous peine d'un emprisonnement de huit jours à six mois et d'une amende de 160 à 1,600 piastres (160 fr. à 1,600 fr.), ou de l'une de ces deux peines seulement.

Art. 41. Ne donneront ouverture à aucune action les discours tenus dans le sein de l'une des deux Chambres Françaises, ainsi que les rapports ou toutes autres pièces imprimées par ordre de l'une des deux Chambres.

Ne donneront lieu à aucune action les comptes rendus des séances publiques des deux Chambres faits de bonne foi dans les journaux. Ne donneront lieu à aucune action en diffamation, injure, ou outrage, ni le compte rendu fidèle, fait de bonne foi, des débats judiciaires, ni les discours prononcés ou écrits devant les Tribunaux. Pourront néanmoins les Juges, saisis de la cause et statuant sur le fond, prononcer la suppression des discours injurieux, outrageants, ou diffamatoires et condamner qui l'appartient à des dommages-intérêts. Les Juges pourront aussi, dans le même cas, faire des injonctions aux avocats ou officiers Ministériels et même les suspendre de leurs fonctions. La durée de cette suspension ne pourra excéder deux mois ou six mois en cas de récidive dans l'année.

Pourront toutefois les faits diffamatoires étrangers à la cause donner ouverture, soit à l'action publique, soit à l'action civile des parties, lorsque les actions leur auront été réservées par les Tribunaux, et dans tous les cas, à l'action civile des tiers.

Art. 42 (Décret du 18 Juin, 1894). S'il y a condamnation, le Jugement pourra dans les cas prévus aux Articles 24, paragraphes 1, 3, et 25, prononcer la confiscation des livres ou imprimés, placards ou affiches saisis, et dans tous les cas ordonner la saisie et la suppression ou la destruction de tous les exemplaires qui seraient mis en vente, distribués ou exposés aux regards du public. Toutefois, la suppression ou la destruction pourra ne s'appliquer qu'à certaines parties des exemplaires saisis.

No. 12

Consul-General Haggard to the Marquess of Salisbury.—(Received March 1.)

(No. 5. Confidential.)

My Lord,

Tunis, February 22, 1897.

ON the 20th instant Mr. Michell informed me that a colporteur of Bibles belonging to an English Missionary Society had had his goods seized at Souk-el-Arva, a town on the Algerian railway-line about 60 miles to the north of Tunis, and this morning the Italian Agent and Consul-General informed me that this man, who is an Italian subject, consequently addressed a complaint to him.

He said that he was furnished with his colporteur's licence, and that the Magistrate ordered that the books should be returned to him, but the Contrôleur interfered and confirmed the action of the police, thus, as it would seem, stultifying the frequent declarations of the Residency to me, when it suits their purpose, that the Executive Power cannot interfere with the action of the law, an opinion which was clearly stated in M. Mulet's note to me on this very subject of the 17th instant, in the following words: "Toutefois, il est évident que cette mesure d'ordre adminis-

tratif ne saurait avoir pour effet d'infirmer des décisions judiciaires, et qu'au point de vue pénal la question relève exclusivement des Tribunaux compétents."

The colporteur said that the sale of Bibles, &c., was his trade, and that the action of the Government has deprived him of his means of livelihood.

M. Machiavelli told me that he is going to call the attention of the Beylical Government to this act as one of interference with the liberty of commerce, and to inform his Government.

Would not this argument seem to apply equally to Mr. Harris, if he be held to "exercer la profession" of seller of Bibles, while, if he does not, would the "Loi sur la Prison" of the 3rd January apply to him at all?

I have, &c.

(Signed) W. H. D. HAGGARD.

No. 13.

Consul-General Haggard to the Marquess of Salisbury.—(Received March 5.)

(No. 7)

My Lord

Tunis, February 28, 1897.

WITH reference to previous correspondence on the subject, I have the honour to inclose herewith another letter from Mr. Michell, the Director here of the North African Mission.

Mr. Michell sends me therein a letter from a lady, named Miss Scott, forwarding a citation to her and to another young lady, named Miss Bagster, to appear before the Court at Suse to answer to the same charge as that for which Mr. Harris was summoned, as reported in my previous despatches on this subject.

But an examination of this summons will show that the Article 7 of the Law under which they are prosecuted, which was forwarded to your Lordship in my despatch No. 3 of the 18th instant, has been garbled so as to render it applicable to these ladies. It was doubtless felt by the authorities that it would be difficult to convict them of "exercising the profession" of sellers or distributors of "écrits," so that, as it would seem, this part of the Law, indispensable for their conviction, was omitted altogether. Again, it was probably felt that it would be difficult to apply the Law as it at present stood, framed as it specially was to punish scurrilous press libels, to the offence of selling Bibles, so the authorities boldly introduced the words "traitant de sujets religieux" into their quotation of that Law—words which do not exist in the original.

This would appear to be a flagrant case, and I have spoken, unofficially, to the Chef de Cabinet on the subject; but in view of the attitude of the Residency, which has been reported in my previous despatches, I have thought it better to defer any further official representations until I shall have received your Lordship's instructions on the whole matter.

I have, &c.

(Signed) W. H. D. HAGGARD.

Inclosure 1 in No. 13

Mr. G. B. Michell to Consul-General Haggard.

Dear Mr. Haggard,

North Africa Mission, Tunis, February 24, 1897.

I INCLOSE copies of a letter I received on Sunday from Miss Scott, of Suse, and of her inclosure of a copy of a summons to her and to Miss Bagster to appear before the Tribunal Correctionnel at Suse on the 3rd proximo.

You will notice that the summons contains the words "traitant de sujets religieux." The Decree, or Law under which the prosecution is taken, makes no mention of religious subjects, on the contrary, the whole Decree is taken up with libellous and scandalous newspapers. I contend that it is a straining, and a very offensive straining, of the law to apply it to the Holy Scriptures and missionary work at all.

In my opinion, the insertion of these words ought to entail the failure of the prosecution. Also, it shows clearly the animus of the Magistracy, and ought not to be allowed to pass without some reproof. There is nothing in the Decree requiring any

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description of the publications distributed. Whether it be the fault of the "huissier" or of the Procureur de la République at Sousse, it is equally official, and dates from the Tribunal Correctionnel at Sousse.

I remain, &c.
(Signed) **GEORGE B. MICHELL.**

Inclosure 2 in No. 13.

Miss Scott to Mr. G. B. Michell.

Dear Mr. Michell,

THE original of the interesting document, of which I send you a copy, reached us last Saturday. You see we are saved the journey to Monastir, but we have to appear before the Tribunal Correctionnel, and that in person—we have not the option of sending a "mandataire." Neither of us feel alarmed, however, though this may be a little more trying than the Monastir Court.

I shall hope to have a letter from you ere long in reply

Believe me, &c.
(Signed) **MARY M. SCOTT.**

Inclosure 8 in No. 13

Citation addressed to Miss Scott.

L'AN 1897 et le 13 Février.

A la requête de M le Procureur de la République, près des Tribunaux de Sousse, émissant domicile au Palais de Justice dite ville, j'ai, Joseph Anach, Huissier près les Tribunaux de Sousse y demeurant soussigné, donné assignation à la Demoiselle Scott, Marie, rentière, demeurant à Sousse étant en son domicile, parant à sa domestique Salma, et Mlle Bagster, Nelly, par ce pie séparée à comparaître par-devant le Tribunal Correctionnel de Sousse en son audience du Mercredi, 3 Mars, 1897, à 1 heure du soir.

Pour être interrogées et se défendre comme prévenues d'avoir à Monastir, Arrondissement de Sousse, le 20 Janvier 1897, distribué sur la voie publique ou dans des lieux publics des écrits, brochures traitant des sujets religieux sans autorisation préalable des fonctionnaires délégués par le Premier Ministre de Son Altesse le Rev.

Contravention prévue et punie par l'Art 47 de la Loi du 25 Hidge, 1301 (14 Octobre, 1884).

Afin que la dame susnommée n'en ignore, je lui ai laissé la présente copie, dont le coût est de 75 centimes.

No. 14.

North Africa Mission to the Marquess of Salisbury.—(Received March 12.)

My Lord,

I HAVE received further correspondence from our missionaries in Tunis, where it would appear that efforts are being made to hinder Protestant Mission work.

I should be glad if your Lordship could grant me a short interview, or arrange one with some official whom your Lordship might appoint, that I might have advice on this matter, after which, if your Lordship approved, I would draw up a statement of the case which might be laid before the French authorities in Paris, as was done in the case of the difficulties we had in Algeria.

I have, &c.
(Signed) **EDWARD H. GLENNY,**
Honorary Secretary.

* Not understood in original.—W. H. D. H.

No. 15.

The Marquess of Salisbury to Sir E. Monson

(No. 118.)

Foreign Office, March 13, 1897

Sir,

ON the 9th instant I forwarded to your Excellency, in my despatch No. 104, various despatches from Her Majesty's Consul-General at Tunis relating to proceedings which the French authorities were taking against the British missionaries in that country.

I now transmit to you a copy of a further despatch from Mr. Haggard,* reporting that the authorities at Sousse have summoned Miss Scott and Miss Bagster to appear before the Court at that place to answer a charge of distributing religious literature in public places.

It does not appear that Her Majesty's Government have any diplomatic ground of protest against the Law under which these proceedings are being taken, and the decision in regard to them must rest with the proper tribunals but as the action of the French officials appears to be unnecessarily oppressive and vexatious, and as not unlikely to give rise to strong feeling among those in this country who are interested in missionary enterprise, I should be glad if your Excellency would take an opportunity of drawing M. Hanotaux' attention to the matter, and would ask if some instructions could not be sent to the officers in question to be more considerate.

I am, &c.
(Signed) **SALISBURY**

No. 16.

Consul-General Haggard to the Marquess of Salisbury.—(Received March 15.)

(No. 8.)

Tunis, March 8, 1897

My Lord,

WITH reference to my despatch No. 7 of the 26th ultimo, I have the honour to transmit to your Lordship herewith copy of a note which I have received from Mr. Michell, of the North Africa Mission, giving an account of the trial of Miss Scott, Miss Bagster, and Mr. Harris, at Sousse.

Your Lordship will observe that the perversion of the Law quoted in the indictment, which I had the honour of pointing out in my above-mentioned despatch, did not prevent the conviction of the ladies, nor did the apparent irregularity of the proceedings at Gabes, which I had the honour of relating in my despatch No. 16, Consular, of the 10th ultimo, affect the decision of the Judge at Sousse, to affirm the conviction of the Lower Court at Gabes.

Mr. Michell has in his letter entered so fully into the legal merits of the case, that it does not seem necessary for me to say more on that part of the subject.

I have, &c.
(Signed) **W. H. D. HAGGARD.**

Inclosure 1 in No. 16.

Mr. G. B. Michell to Consul-General Haggard.

Dear Mr. Haggard,

Tunis, March 8, 1897.

I ENCLOSE a copy of a letter which I received last night from Miss Scott, of Sousse.

You will see that she and Miss Bagster have each been fined 1 fr. and costs. Also that Mr. Harris has been fined 5 fr. for the first offence, 10 fr. for the second, 15 fr. for the third, and 10 fr. for the fourth, in all 40 fr. I do not know whether any of these fines have been paid yet, but expect not.

Of course, the ladies' fines are only to establish the principles of the French. The amount is quite insignificant. I am glad the ladies took the course they did, and read the protest I left with them.

I would point out that the remark of the Judge, that they had only to get an authorization to be free to continue, is a farce. Both M. Révill's declaration to you and me (and M. Millet's letter after our interview), and the refusal of the Tunis authorities to give that very authorization to Signor Barbera, the Bible Society's colporteur, on his application a few days ago, show clearly enough that the authorities have not the least intention of giving any such authorization. On the contrary, these prosecutions and straining of the law, show that their object is to suppress the British commerce in sacred Scriptures. It is this we protest against, and we are prepared to suffer in vindication of this right.

In my brother-in-law's case, it really seems difficult to understand the French actions and contentions at all.

The Decree says in Article 7 (that under which these prosecutions are taken):—

"Les contrevenants seront condamnés à une amende de 8 à 24 piastres (8 fr. to 15 fr.); ils pourront être en outre condamnés à un emprisonnement de un à six jours, sans préjudice, &c. . . . En cas de récidive l'emprisonnement sera nécessairement prononcé."

Now this appeal was against the first prosecution at Gabes, when Mr. Harris was fined 20 fr. At his second prosecution he was only fined 15 fr., that is 5 fr. each on three fresh counts. Against this he could only appeal to the Cour de Cassation at Paris, 5 fr. being too small a fine.

But the law says in case of "récidive" there is no option of a fine. What right had they, then, to fine him at all? He ought to have been sent to prison. Now in this appeal—either the four counts count separately or together. If separately, the first offence ought to have been punished by a fine not exceeding 15 fr., and the second and following ones by imprisonment. If together, the whole fine ought not to have exceeded 15 fr., plus an imprisonment of not more than six days. I do not know where they get four offences from, unless they have included the second prosecution, which they had no right to do, as it was not appealed against, and occurred after the appeal was made. If they have included the offences punished in the second prosecution (i.e. one under the first offence, and three under the second), they fined the first offence twice too much at Gabes, and they now affirm and punish by 15 fr. fine, the condemnation for the occasion when Mr. Harris had no meeting at all, and the hymn-books were stolen. Really it is impossible to take in what they mean. I do not know at all what Mr. Harris is going to do. I suppose there is a further appeal, probably to Algiers. I should think he would gain it if he pursued it further.

I have had no answer from M. Millet yet to my private letter to him. I wonder if it ever reached him? I took it to the Residency on the 20th ultimo, but he has been very busy, and it certainly was long.

I remain, &c.
(Signed) GEORGE B. MICHELL

P.S.—I forgot to point out that the 1 fr. fines pronounced against Miss Scott and Miss Bagster are also against the law. The minimum is there given as 5 fr. I suppose the idea was to show mercy, and to deprecate any charge of oppression.

G. B. M.

Inclosure 2 in No. 16

Miss Scott to Mr. G. B. Michell.

Dear Mr. Michell,

I EXPECT you are anxious to hear how we got on to-day. Our names were called together, but we had to stand up separately. My turn came first. After answering several preliminary questions, the President read the charge, and gave me the opportunity to speak. I read part of the protest we had written out, beginning at the words, "Je proteste," to the end. The President then read the section under which we were charged. I said I was not aware of it. He said, Well, I now knew, and said if I applied to get an authorization it would be all right. He also asked what was the section of the British Treaty referred to. I told him I didn't have it with me, but it referred to exercising our profession, or

carrying on commerce in Tunis. I also said I had done the same thing in the Regency for some years unblinded. My turn over, Miss Bagster stood up. When questioned she said she concurred in what I had said. The Judge told her, also, that if ignorant before she now knew she could not distribute without an authorization, and that if it were granted we could go on, but if not we couldn't. It is evident I am not giving you a word for word report. This over, the three Judges consulted very earnestly for a little time, but couldn't agree, so retired into their private room. On coming out, we were asked to stand, when we were told we were fined 1 fr. and expenses. We then, of course, all rose, and left the Court.

Dr. Churcher was going to write to you the other day, and would, I daresay, refer to your suggestions in your last letter. Some one is going down to post, so I must stop, but in case no one else writes to you at once, I will tell you the Judgment in Mr. Harris' case: first offence, 5 fr.; second offence, 10 fr.; third offence, 15 fr.; 4th offence, 10 fr., in all, 40 fr.

May we hope to hear soon from you? I know you are very busy, but should be glad of a line.

(Signed) MARY M. SCOTT

Copy of Protest referred to.

Je proteste contre toute application à moi ou à ma profession de missionnaire à mon commerce de livres religieux, de la Loi sur la Liberté de la Presse du 14 Octobre, 1884, et de toute autre mesure qui pourrait léser aux droits qui confirment à tout sujet Britannique la Convention entre la Grande-Bretagne et la Régence de Tunis de Septembre 1875.

No. 17.

Consul-General Haggard to the Marquess of Salisbury.—(Received March 18.)

(No. D.)
My Lord,

Tunis, March 13, 1897.

WITH reference to previous correspondence on the subject of the measures taken here by the French authorities for the suppression of the missionaries, I have the honour to inform your Lordship that Mr. Mitchell having shown me a letter which he had written to the young ladies who were lately fined at Suse, as reported in my despatch No. 8 of the 8th instant, in which he recommended them to continue the work of distributing religious works, notwithstanding that condemnation, I pointed out to him the very serious consequences which might ensue, if this advice was followed. I further put it to him that it was useless for them to run their heads against a brick wall, and that, moreover, in the interests not only of their personal comfort, but even of their work itself, it would be much better for them to bend before the storm and keep quiet for, whereas, if they did this, it might blow over; if they did the contrary and violently opposed the French action, they must be evidently crushed for the moment in such an unequal contest, while the hostile feelings of the authorities against them would be accentuated and deepened, so that they could never hope to raise their heads again at all.

I am in hopes that my words were not thrown away upon Mr. Mitchell, for he acknowledged the justice of my remarks, but, unfortunately, I fear that there are other missionaries in the Regency, amongst whom Mr. Harris is the most aggressive, who are not only moved by their religious enthusiasm, but who contend that the measures being taken against them are tyrannical and illegal, and who are prepared to suffer, not only for their convictions, but also for what they contend to be their rights.

I have, &c.
(Signed) W. H. D. HAGGARD.

• No. 18.

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Consul-General Haggard to the Marquess of Salisbury.—(Received March 20.)

(No. 10.)

My Lord,

Tunis, March 13, 1897.

I HAVE, in previous despatches, had the honour of describing to your Lordship the methods adopted by the authorities here to establish a "manufactured" French population, as the real French colonist shows but little sign of being attracted to Tunis.

The favourite plan is to threaten to discharge employes unless they accept French nationality. Instances of this sort of great hardship continually occur. The other day an Italian labourer, working on the road near my house, told me that he was to be discharged unless he became a naturalized Frenchman, and, as a husband and a father of seven children, asked me what he was to do. I told him to apply to his own Consul-General.

But perhaps the most sweeping instance of this action which I have observed is afforded by the enclosed extract from the "Dépêche Tunisienne," publishing the decision of the Bône-Guelma Railway to exclude, as far as possible, any but Frenchmen or natives from employment. Your Lordship will observe that in this document other nationalities are openly threatened with the consequence of not acquiring French nationality.

It is probable that this measure is the result of pressure from the authorities, especially as the semi-official "Dépêche" offers its "chaleureuses félicitations" to the Bône-Guelma Railway for this act of lofty patriotism.

I have, &c.

(Signed)

W. H. D. HAGGARD.

Inclosure in No. 18.

Extract from "La Dépêche Tunisienne" of March 13, 1897

NOUS signalons avec un vrai plaisir, comme un exemple que nous voudrions voir suivi partout, un ordre de service que M. l'Ingénieur-en-chef des Services de l'Exploitation du Bône-Guelma vient d'adresser à ses agents

Ordre de Service No. 18.

Personnel Étranger.

L'Ingénieur-en-chef des Services de l'Exploitation rappelle aux agents de tous grades les prescriptions suivantes de l'ordre de service No. 21, du 4 Avril, 1894:

"Aucune personne de nationalité étrangère ne devra plus être employée temporairement au service de la Compagnie, en Algérie, si elle n'est en possession du certificat d'immatriculation prévu par la Loi du 6 Août, 1893.

"Il est rappelé, d'ailleurs, que tous les emplois prévus aux cadres doivent être remplis, en Algérie, par des Français, des naturalisés Français, ou des indigènes Algériens, sujets Français.

Des étrangers non naturalisés ne peuvent être occupés temporairement que dans des cas tout à fait exceptionnels d'urgence.

En Tunisie, il est recommandé d'employer autant que possible et de préférence, indépendamment des Français ou naturalisés, des indigènes Algériens et Tunisiens.

Ces prescriptions n'ont pas toujours été suivies, en Tunisie notamment.

MM. les Chefs de Service sont invités à ne pas perdre de vue que tous leurs efforts doivent tendre à une élimination aussi complète que possible du personnel de nationalité étrangère.

C'est ainsi que lors du départ, par suite de licenciement ou de tout autre motif, d'un ouvrier étranger, il y a lieu de le remplacer, de préférence, par un sujet Français ou naturalisé, ou bien par un indigène du pays (Algérien ou Tunisien).

En ce qui concerne le service de la voie principalement, la majorité du personnel entrant dans la composition d'une équipe ne doit jamais être étrangère.

Dans toutes les équipes, si le chef est de nationalité étrangère, ce qui ne devrait pas exister aux termes de l'ordre de service No. 21 (1894), il est indispensable que l'ouvrier appelé à le suppléer en cas d'absence ou d'empêchement soit Français ou indigène et vice versa.

Les gardes-ligne doivent toujours, et ce sans exception, être Français ou indigènes parlant le Français.

Également, les ouvriers d'art prévus au cadre et leurs manœuvres doivent être recrutés parmi des Français ou des indigènes.

Au fur et à mesure des vacances qui se produiront, les Chefs de Service auront à s'inspirer des dispositions qui viennent d'être rappelées. Cependant, parmi les ouvriers étrangers actuellement occupés à la Compagnie, il s'en trouve qui, par leur ancienneté, leur situation de famille et leur service satisfaisant, méritent quelques égards.

Leurs chefs directs doivent les inviter à solliciter leur naturalisation Française, la qualité d'étranger étant pour eux un obstacle à leur classement.

Les formalités qu'ils ont à remplir en vue de leur naturalisation sont définies au Décret du Président de la République en date du 29 Juillet, 1887.

Tout agent en instance de naturalisation devra adresser le dit certificat à ses chefs, qui en prendront copie pour leur dossier.

L'Ingénieur-en-chef des Services de l'Exploitation,

(Signé)

AUBERT

Bône, le 20 Février, 1897.

M. Aubert et la Compagnie du Bône-Guelma méritent, pour ces mesures, de chaleureuses félicitations que nous leur adressons très volontiers.

En vœux que ceux à qui on incombe la charge tiendront la main à ce que les prescriptions de cette Circulaire soient rigoureusement observées.

Sir E. Monson to the Marquess of Salisbury.—(Received March 22.)

(No. 209.)

My Lord,

Paris, March 21, 1897.

I SPOKE to M. Hanotaux yesterday on the subject of the treatment of British missionaries by the French authorities in Tunis, and referred especially to the case of the ladies whose complaints had been reported by Her Majesty's Consul-General, begging as instructed by your Lordship, that orders might, if possible, be sent to those authorities to show a little more consideration and moderation in their conduct.

M. Hanotaux said that the fact is that the French authorities both in Algeria and Tunis, had been instructed to permit of no religious propaganda whatever, and that Catholics equally with Protestants came under this inhibition.

The French Government is animated by no feeling against Protestants, but is satisfied that the principle above referred to is a salutary one in such countries.

The worst and most dangerous offenders against the rule are the missionaries of the Salvation Army.

I said that I believed that the ladies whose case I had brought to his notice were emissaries of the Bible Society and very unbecoming persons, and his Excellency replied that he would mention the matter in the proper quarter, and that I might rest assured that there was no desire on the part of the French Government, which is absolutely neutral in matters of religion to inaugurate or countenance persecution; but that it expects on the other hand, that every one shall conform to regulations considered necessary for the preservation of public order.

I have, &c.

(Signed)

EDMUND MONSON.

No. 20.

Sir E. Monson to the Marquess of Salisbury.—(Received March 22.)

(No. 218. Confidential.)

My Lord,

Paris, March 21, 1897

WITH reference to my despatch No. 200 of this date respecting the treatment of missionary ladies in Tunis, M. Hanotaux, in continuance of the conversation therein reported, said that he feared that he and I would often have to discuss this subject in its relation to Protestant missionaries elsewhere.

He referred to the outcry which a portion of the press, as well as some Deputies of the Chamber, have begun to raise in regard to the alleged desire of M. Lebon, Minister of the Colonies, who is a Protestant, to ruin the position of General Galliéni, Governor of Madagascar, for reasons connected with religious jealousies in that island.

I have already drawn your Lordship's attention to this allegation, with respect to which there is a fresh article in this day's "Figaro."

M. Hanotaux observed that questions of this kind were very vexatious on account of the passions they excite, but that, if he and I were left to discuss them calmly, he had no fear of their raising any dangerous bitterness.

I am, &c.

(Signed) EDMUND MONSON.

No. 21.

Consul-General Haggard to the Marquess of Salisbury.—(Received March 20.)

(No. 18.)

My Lord,

Tunis, March 17, 1897.

SOME days back a newspaper called the "Moniteur des Capitalistes" was forwarded to me from an unknown source.

I have often heard here of the so-called Treaty of Ghadamès of 1862 which is printed in it, and which I have the honour to inclose.

It does not seem of much importance save perhaps, as showing, in view of the present state of affairs on the frontier, that the French have not made much progress during the last thirty-five years in their plans of subduing or conciliating the Touaregs.

One peculiarity in it will strike your Lordship, that, although purporting to be a Treaty which involves two parties only, the names of the French Signatories appear; but I have no knowledge as to whether this is owing to the fact that only the French officers signed it, or as to whether this is because the signatures of the Touaregs were not considered worth recording.

I have, &c.

(Signed) W. H. D. HAGGARD.

Inclosure in No. 21

Extract from "Le Moniteur des Capitalistes" of March 11, 1897.

IL est souvent question du Traité de Ghadamès dont peu de personnes connaissent le texte; nous croyons donc utile de le reproduire ci-dessous:—

"ARTICLE I.

"Il y aura amitié et échange mutuel de bons offices entre les autorités Françaises et indigènes de l'Algérie, ou de leurs Représentants, et les Chefs des différentes fractions de la nation Touareg.

"ARTICLE II.

"Les Touaregs pourront venir commercer librement des différentes denrées et produits du Soudan et de leur pays, sur tous les marchés de l'Algérie, sans autre condition que d'acquitter sur ces marchés les droits de vente que paient les produits semblables du territoire Français.

"ARTICLE III.

Les Touaregs s'engagent à faciliter et à protéger, à travers leurs pays, et jusqu'au Soudan, le passage, tant à l'aller qu'au retour, des négociants Français ou indigènes Algériens et de leurs marchandises, sous la seule charge, par ces négociants, d'acquitter entre les mains des Chefs politiques, les droits du coutumier, ceux de location de chameaux et autres, conformément au Tarif ci-annexé, et lequel recevra, de part et d'autre, toute la publicité pour prévenir les contestations.

"ARTICLE IV.

"Le Gouvernement Général de l'Algérie s'en remet à la loyauté, à la bonne foi, et à l'expérience des Chefs Touaregs, pour la détermination des routes commerciales les plus avantageuses à ouvrir au commerce Français vers le Soudan, et comme témoignage de son bon vouloir envers la nation Touareg, il sera volontiers, lorsque ces routes seront bien fixées, les frais de leur amélioration matérielle au profit de tous, soit par des travaux d'art, soit par l'établissement de nouveaux puits, ou la remise, en bonnes conditions, de ceux qui existaient antérieurement. Après acceptation de la présente Convention par l'assemblée des Chefs Touaregs et signature des contractants, pour garantie solennelle de son exécution dans le présent et dans l'avenir, une expédition écrite en Français et en Arabe restera entre les mains de chacune des Parties.

"Le Gouverneur-Général,

(Signé)

"MARÉCHAL PÉLISSIER,

"Duc de Malakoff

"Alger, le 22 Septembre, 1862."

"Articles Additionnels.

"ARTICLE I.

"Conformément aux anciennes traditions qui règlent les relations commerciales entre les États du Nord de l'Afrique et les différentes fractions des Touaregs, la famille du Cheikh El Hadj Ikhenoukhen restera chargée du soin d'assurer aux caravanes de l'Algérie une entière sécurité à travers tout le pays des Azgheurs.

"Toutefois, les usages particuliers de garantie commerciale, existant entre d'autres familles des Azgheurs et différentes fractions des Chambaas et du Souf, restent maintenus.

"ARTICLE II.

"En raison de ces garanties de sécurité, il sera payé, par les caravanes Françaises ou Algériennes allant au Soudan, au Cheikh Ikhenoukhen, ou à ses mandataires, ou enfin aux héritiers de son pouvoir politique, un droit qui sera réglé ultérieurement entre son Excellence M. le Maréchal, Gouverneur-Général et le Cheikh.

"ARTICLE III.

"Les contestations qui pourraient surgir entre les négociants et les convoyeurs Touaregs seront réglées à l'amiable et avec équité par le Cheikh ou son représentant d'après les traditions en vigueur dans le pays.

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"ARTICLE IV

"Le Cheikh El Hadj Ikhenoukhen et les autres Chefs politiques du pays d'Azgheura, s'engagent à mettre à profit, dès leur retour à R'nât, leurs bonnes relations avec les Chefs de la tribu des Keilous, pour préparer aux négociants Français et Algériens le meilleur accueil de la part de cette tribu, afin que les caravanes traversent également en toute sécurité le pays d'Aïr.

(Signé)

"H. MIRCHER,

"Chef d'Escadron d'Etat-Major.

"L. DE POLIGNAC,

"Capitaine d'Etat-Major.

"Ohadamis, le 26 Novembre, 1862."

No. 22.

Consul-General Haggard to the Marquess of Salisbury.—(Received March 29.)

(No. 14. Confidential.)

My Lord,

Tunis, March 18, 1897.

I HAVE the honour to transmit herewith copy of a despatch from the Honourable Terence Bourke, the British Consular Agent at Bizerta, on the subject of what he calls the "persecution" of the missionaries in Tunis.

Mr Bourke's long residence here, his thorough knowledge of Arabic, and his daily dealings with both Arabs and French, so much as in the course of his business, give him exceptional opportunities of forming an opinion on such a question, while his remarks at the close of his despatch are not devoid of interest.

I have, &c.

(Signed)

W. H. D. HAGGARD.

Inclosure in No. 22.

Mr. Bourke to Consul-General Haggard.

Sir,

Bizerta, March 15, 1897.

CONCERNING the persecution of the English missionaries, which at the present moment is exciting a good deal of comment in the Regency, I should, both in my capacity of British Consular Agent and also as a resident landowner who, having held land in the Regency for over ten years, and having a large stake in the country, like to call your attention to one or two points. I speak Arabic fluently, and have had considerable intercourse with Arabs of every class and degree, knowing their ways and ideas thoroughly.

The French authorities declare that the distributing of tracts and the preaching of English missionaries, as also the visiting of Arab women in the harems by lady missionaries, raises fanatical feelings among the Mussulmans, and might lead to a rising against Christians. I have often spoken to a great number of Mussulmans on this subject, and in every case I have always found that they do not hold any fanatical hatred of missionaries, regarding them more in the light of misguided people, from whom they will take everything they can get in the way of medicines, &c., and encouraging the visits of lady missionaries to their houses, the Arab ladies being amused and interested by their conversation. In most cases they speak of the missionaries as being good people, who, unfortunately, do not know the true religion, and who are giving themselves a great deal of unnecessary trouble from misguided notions to preach a wrong religion, but they in no way wish to hurt them or do them harm. I have never heard of a missionary touching on any political question, and, as far as I can know, they invariably counsel submission to the Powers that be.

These facts you will find confirmed by anyone knowing the Mussulmans of this country. A rising against the Christians in the Regency would never be other than a political rising, which might make use of the plea of religion for the further stirring up of any that might be fanatically inclined but the origin and mainspring would be

purely political, and the Arabs would not certainly start by murdering the poor inoffensive missionaries, but rather those Europeans who are in power over them.

When the French troops were marching through the country no Christian priest or missionary was in any way molested; there was no religious fanaticism. The few Europeans who were murdered were either Frenchmen or those in their employ, and therefore mistaken for Frenchmen.

Considering these matters, the rigorous measures taken by the French authorities against the missionaries cannot be caused by any real feeling of fear of a fanatical outbreak, but merely another phase of the campaign against England and English interests, of which many instances must have been brought to your notice during your stay in Tunis. This campaign is steadily carried on and, unless a stand is made, without doubt all British interests will be gradually swept away. British missionaries have been in the Regency for over seventy years, and before the French occupation always received fair and honourable treatment from the Beylical Government. Their first persecution has come from the French.

If the French authorities wished to stir up a fanatical rising, they could not start it in a better way than by imprisoning and offering magnitudes to the British missionaries, all of which is done, of course, in the name of the Bey.

I, in common with other British subjects, feel that your attention ought to be called to these unprovoked attacks.

I have, &c.

(Signed)

TERENCE BOURKE.

No. 23.

Foreign Office to North Africa Mission.

(Confidential.)

Sir,

Foreign Office, March 30, 1897.

WITH reference to your letter of the 11th instant and to your subsequent interview with me at this Office, I am directed by the Marquess of Salisbury to state, for your confidential information, that Her Majesty's Ambassador at Paris has spoken to the French Minister for Foreign Affairs with regard to the proceedings recently instituted against British missionaries by the French authorities in Tunis.

M. Hanotaux replied that the French authorities, both in Algiers and Tunis, had been instructed to permit of no religious propaganda whatever, and that Catholics equally with Protestants came under this inhibition. The French Government, he said, was animated by no feeling against Protestants, but was satisfied that the principle above referred to was a salutary one in such countries. He added that Sir E. Monson might rest assured that there was no desire on the part of the French Government—which is absolutely neutral in matters of religion—to inaugurate or countenance persecution, but that it expects, on the other hand, that every one shall conform to regulations considered necessary for the preservation of public order.

I am to add that Sir E. Monson has been instructed to ascertain officially whether the proposal contained in your letter of the 11th instant is acceptable to the French Government.

I am, &c.

(Signed)

T. H. SANDERSON

No. 24.

The Marquess of Salisbury to Sir E. Monson.

(No. 147.)

Sir,

Foreign Office, March 30, 1897.

WITH reference to your Excellency's despatches Nos. 200 and 218 of the 21st instant, recording conversations with M. Hanotaux relating to the proceedings of the French authorities against English missionaries in Tunis, I transmit to you herewith a copy of a letter from the Rev. B. H. Glenn, of the North Africa Mission, in which he proposes that he should draw up a statement of the case of the missionaries which might be laid before the French authorities in Paris, as was done in the case of similar difficulties which occurred in Algeria.

The communication with the French Government, to which Mr. Glenny refers, took place in June last, and correspondence relating to it will be found in the archives of Her Majesty's Embassy of that date.

I should be glad if your Excellency would ascertain unofficially whether Mr. Glenny's suggestion would be acceptable to the French Government, and I inclose copy of a letter which has been addressed to Mr. Glenny communicating to him, for his confidential information, the principal portions of your Excellency's despatch No. 309.

I am, &c.
(Signed) SALISBURY.

No. 25.

Sir E. Monson to the Marquess of Salisbury.—(Received April 7.)

(No. 256.)

My Lord,

Paris, April 5, 1897.

IN accordance with the instructions conveyed to me in your Lordship's despatch No. 147 of the 30th ultimo, I took an opportunity on the 2nd instant of mentioning to M. Hanotaux that the Rev. E. H. Glenny, of the North African Mission, was anxious to lay before his Excellency a statement of the case of the British missionaries in Tunis, explaining their difficulties with the French authorities in that Regency, as was done under somewhat similar circumstances last year in Algeria, and of inquiring, unofficially, whether his Excellency would be willing to receive a representative of the North African Mission.

M. Hanotaux, who spoke with considerable animation, at once replied that he could not at the present moment consent to receive a deputation.

Only the other day, at the request of Her Majesty's Embassy, his colleague, M. Lebon, had received a deputation of the Society of Friends with regard to their property in Madagascar, and, in view of public opinion in the Chambers and in the press, no advantage would be derived from a discussion of Regulations which were deemed absolutely necessary for the preservation of public order. He feared it might indeed be necessary to expel the missionaries who refused to conform to the Regulations in force.

I urged that the deputation of the Society of Friends were apparently well satisfied with their reception by M. Lebon, and that the audience which his Excellency had granted last June to the North African Missions' deputation had, at any rate, led to an improved state of things with regard to the relations of the Protestant missionaries with the French authorities in Algeria.

M. Hanotaux replied that Tunis was not Algeria; there the French had been in possession for many years, while the occupation of Tunis was of far more recent date; and it was indispensable for the Government to maintain an attitude of strict impartiality, and to prevent any sort of religious propaganda, whether Catholic or Protestant.

As an instance of this policy, his Excellency said that quite recently the Jews had applied for leave to open a synagogue in the Regency, and their request had been refused on the ground that the religious *status quo* must be rigorously maintained.

He stated that the Salvationists, with their extravagant system of "public worship" were still a source of trouble in North Africa, and that it seemed impossible to make the foreign missionaries understand that no propaganda of any sort could be tolerated.

Eventually, M. Hanotaux asked me to inform your Lordship that he was obliged to decline for the present any discussion with the British missionaries, adding: "Il faut au moins savoir l'ouïr pour le moment."

I have, &c.
(In the absence of the Ambassador)
(Signed) MARTIN GOSSELIN.

No. 26.

Foreign Office to North African Mission.

Sir,

Foreign Office, April 9, 1897.

WITH reference to your letter of the 11th ultimo and the subsequent interview which I had with you on the 20th of last month, I am directed by the Marquess of Salisbury to state that the French Minister for Foreign Affairs has informed Her Majesty's Ambassador at Paris that at the present moment he is unable to receive a deputation from your Mission to lay the case of the British missionaries in Tunis before the French Government.

If you should find it convenient to call at this Office any afternoon next week (except Wednesday), I shall be happy to give you such further information as is in my power.

I am, &c.
(Signed) T. H. SANDERSON.

No. 27.

North Africa Mission to the Marquess of Salisbury.—(Received April 13.)

My Lord,

21, Lanton Road, Barking, Essex, April 13, 1897.

THE inclosed Memorandum sets forth the views that are entertained by this Mission as to the freedom which exists in the Regency of Tunis for the free circulation of Scriptures and religious books, and freedom for religious worship, including the making known of the Gospel of our Lord Jesus Christ.

In case there should be any doubt as to this freedom, we would respectfully suggest that when the Treaty is revised a clause distinctly guaranteeing freedom for missionary work should be inserted.

I have, &c.
(Signed) EDWARD N. GLENNY,
Honorary Secretary.

Inclosure in No. 27

Memorandum as to Missionary Work in the Regency of Tunis.

A GENERAL Convention between the Governments of Great Britain and Tunis was signed on the 19th July, 1875.

Under Article IV this Treaty grants reciprocal freedom of commerce; Article VI accords to British subjects the free exercise of the rites of their religion, and freedom to erect churches on application through the Consul General; Article XVII grants the free exercise of any art, profession, or industry; and by Article XXI it is agreed that if any doubt should arise with regard to the interpretation or the application of any of the stipulations of the present Convention, the interpretation the most favourable to British subjects in Tunis shall be given.

The sale or distribution of religious books or tracts is considered to come under Article IV, which grants freedom of commerce, and if any doubts exist as to this, Article XXI, by which the most favourable interpretation is guaranteed, is thought to put them at rest.

The free exercise of the rites of their religion granted under Article VI is considered to guarantee liberty and freedom for missionary work. The eminent Jules Simon has declared: "There can be no true religious liberty where freedom to make one's belief is denied."

The free exercise of any art or profession in Article XVII is held to include the profession of a preacher or missionary; this profession being the highest of all professions. As Mission teachers and missionaries have perfect freedom to carry on their profession in Great Britain, so freedom is assumed to be assured to British missionaries to carry on their profession in the Regency of Tunis, and if in either of these cases there is thought to be doubt, then under Article XXI it is claimed that the most favourable interpretation should be given.

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In October 1884 a Law was promulgated in Tunisia with regard to the liberty of the press, it was rescinded in August 1887, and reissued on the 5th January, 1897, in "Le Journal Officiel Tunisien."

It is believed that the original object of this Law was to give power to the authorities to suppress the circulation of scurrilous literature, and it has not been put into force with regard to the circulation of Holy Scriptures or religious books until during the last few months.

Article 7 of this Law runs as follows.—

"Nul ne pourra exercer, même temporairement, la profession de crieur, de vendeur, ou de distributeur sur la voie publique, ou dans des lieux ou réunions publiques, d'écrits, dessins ou enroulés sans autorisations préalables des fonctionnaires délégués à cet effet par le Premier Ministre de Son Altesse le Bey."

"Cette autorisation pourra être retirée. Les contrevenants seront condamnés à une amende de 4 à 24 piastres (5 fr. à 15 fr.); ils pourront être condamnés en outre à un emprisonnement d'un à six jours, sans préjudice des poursuites qui pourraient être dirigées pour crimes ou délits contre les auteurs ou éditeurs, soit contre les distributeurs, colporteurs, vendeurs, ou crieurs eux-mêmes. En cas de récidive l'emprisonnement sera nécessairement prononcé."

It is contended that a Law promulgated in 1884, and reissued in 1897, cannot override or set aside the privileges conferred by the Treaty of 1875.

(Signed) EDWARD N. GLENNY,
Honorary Secretary, North Africa Mission.

21, Linton Road, Barking, Essex.

No. 28.

Consul-General Haggard to the Marquess of Salisbury.—(Received May 26.)

(No. 15.)

My Lord,

Tunis, April 30, 1897.

THE opening of the port of Sfax on the 24th instant was the occasion of a great display.

Three French Ministers—M. Rouher, Minister for Commerce, M. Darlan, the Minister of Justice, and M. Cochery, the Minister for Finance—were the guests of the Regency and of the Port Company, and were accompanied by a crowd of minor personages, comprising their suites several French Deputies, and a large number of newspaper correspondents.

In the absence, through a domestic affliction, of the Resident-General M. Révoil, the Resident-Adjunct took charge of the party, numbering in all about 250 persons, which was conveyed and entertained in a large steamer belonging to the Compagnie Trans-Atlantique.

As the President had the politeness to invite Mrs. Haggard and myself, together with my colleagues and their wives, to join the party, we also accompanied them, and were treated with the greatest hospitality and consideration throughout.

As the plans of the new port have been already furnished to Her Majesty's Government, I will not trouble your Lordship with them again.

That town is the next in importance to that of Tunis in the Regency, and the new port, different from that of Bizerta, is likely to add considerably to its wealth and importance, for, unlike Bizerta, it has no overshadowing rival near it, and is the centre of a vast olive-growing district while it is the débouché of the trade of Southern Tunisia, and the railway to Gafsa, of which the laying of the first stone formed one of the ceremonies during our visit will cause it to be the outlet of the great phosphate beds in that neighbourhood, for the transport of which the line is going to be made, and the working of which will be begun shortly, a development which may well affect beneficially the whole commercial condition of the Regency, so that Sfax has now possibly a considerable future before her.

I may mention that the first vessel to enter the new port was an English steamer.

On the day after our arrival a solemn entry into the port of Sfax was made by the Ministers on board the French "stationnaire" the "Cunor," which had taken them out to sea for that purpose. Then followed the inauguration, which involved a number of speeches and the distribution of decorations, then the laying of the first

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stone of the railway, which the Minister of Commerce performed in the name of "Liberté, Égalité, et Fraternité," then followed a *dejeuner* and more speeches, then the fantasia, then a banquet and still more speeches.

The banquet was succeeded by illuminations and fireworks, and there was a ball subsequently.

The whole trip, which lasted five days, was admirably organized and carried out.

The expenses of the expedition were on the most lavish scale, and most, if not all of them, will be paid by the native tax-payer, and yet the Ministers have, since they left, declared publicly that the Arabs love them!

I could not help reflecting that Sfax is the town where, after the Leach murder, as the Broudenry stated, there was no money available for proper police protection of life and property, an insecurity which, Mr. Vice-Consul Leonardi informs me, is so great that the inhabitants wish to form a national guard for self-defence.

I have, &c.

(Signed) W. H. D. HAGGARD.

No. 29.

Consul-General Haggard to the Marquess of Salisbury.—(Received May 26.)

(No. 16. Confidential.)

My Lord,

Tunis, April 30, 1897.

I WAS somewhat struck with the attitude of the native population at Sfax during the recent festivities there.

After a "dîna," or Arab luncheon, in the desert behind Sfax the Ministers, with a certain want of dignity, as it seemed to some, even of the French bystanders, dressed in frock coats and sun helmets, displayed themselves on Arab horses gorgeously caparisoned for the fantasia which were, however, carefully led, and there was no mistaking the contemptuous look of the crowd of natives at what they doubtless considered this frivolous and trivial behaviour.

On the return journey of the cavalcade, I was struck with the attitude on the part of the Arabs whom we passed. I see that the semi-official "Dépêche" does not the welcome of the natives as enthusiastic, and that one of the Ministers on his return has declared that the natives love France and the present régime; but, as a matter of fact, they were quite silent if sitting or lying down they did not rise, and if they saluted with their hands at all, which was infrequent, it was with an indifferent nonchalance, which showed pretty clearly the feelings with which they were animated at the fantasia at the close of the festivities. I noticed that the large mass of horsemen held completely aloof, to the number of several hundreds, and only took part in the final charge past the "Tribune d'Honneur." A French superior officer subsequently stated that it was only with the greatest difficulty that they had been induced to come at all, that they had then absolutely refused to take any part in the proceedings, and that it was only at the urgent entreaty and violent threats of their kaid, sent by the authorities to compel their appearance, that they finally consented to pass *en bloc* before the Tribune, in which were seated the Representatives of their conquerors.

I have, &c.

(Signed) W. H. D. HAGGARD.

No. 30.

Consul-General Haggard to the Marquess of Salisbury.—(Received May 26.)

(No. 17.)

My Lord,

Tunis, May 2, 1897.

THE inclosed cutting, copied from the "Figaro," refers to an incident which took place at Bizerta on the occasion of the visit there of the three French Ministers during their recent tour in the Regency.

To understand this incident, it is necessary to explain that there exists a good deal of friction between the Port Company at Bizerta and the Beylical Government,

the latter stating that the former, having found that the work is not a commercial success, are trying to force the Government to buy them out, the former saying that the Government persistently neglect their interests. There would appear also to be a good deal of jealousy between Tunis and Bizerta.

It is probable that M. Febre, a French resident at Bizerta, may have been put up by the Company to take advantage of this opportunity of representing their views as those of the inhabitants to the Ministers, and that the Resident-General consequently forbade him to speak.

I did not accompany the Ministers and some of my colleagues on this part of the trip, but Mr. Terence Bourke, the British Consular Agent at Bizerta, tells me that M. Millet, on M. Febre's attempting to speak, said, "Taisez-vous," whereupon the Resident was hoisted by the Colony present, who left the hall crying "A bas Millet," and "Nous n'avons plus qu'à nous faire Anglais."

It would seem that the Company of the port of Bizerta have embarked upon a press campaign, doubtless with the view which the Government understand, of forcing them to buy them out, for I had noticed that many French papers have recently been insinuating on the importance of Bizerta, and on the necessity of further fortifications, and of making it into a serious naval arsenal, and as they have considerable interest and large sums of money behind them and know how to apply the former and where to place the latter, it is possible that at least some increase in the expenditure for that purpose may be the result, but the idea of the "Figaro" that the incident here mentioned will eventuate in a treaty or that it will even affect one way or the other, the alteration of the regime here would seem to be somewhat far-fetched.

I have, &c.
(Signed) W. H. D. HAGGARD.

Inclosure in No. 30.

Extract from "L'Echo Tunisien" of May 1, 1897.

LE "Figaro" de ce matin, parlant de l'incident de Bizerte d'hier matin, incident qui fut causé par le refus formel de M. Millet de laisser l'orateur du groupe ouvrier des intérêts locaux parler aux Ministres, dit que des vingtaines de syndicataires entourèrent les Ministres en protestant.

Les uns criant, "C'est honteux," d'autres, "Nous n'avons plus qu'à nous faire Anglais," les plus exaltés paraissent de recevoir M. Millet à coup de trognons de choux à sa première visite, et criaient à plein gosier, "A bas Millet."

Cet incident, dit le "Figaro," prouve à l'évidence que la moindre minute d'oubli, la plus petite provocation négative suffit pour que le vin Tunisien tourne au vinaigre, et se demande s'il ne sera pas le coup d'épingle qui ordonnera le ballon de la pseudo-popularité Républicaine, et mettra fin au régime tardif du Protectorat, régime qu'admirent seuls ceux qui en profitent, et que maudissent ceux qui le subissent.

No 31

Consul-General Haggard to the Marquess of Salisbury.—(Received May 26.)

(No. 21)

My Lord,

Tunis, May 8, 1897.

IN my despatch No. 19 of yesterday's date I had the honour of reporting a conversation I had had with M. Millet, during the course of which he hinted at the possibility of the Protectorate of Tunis being changed into a Colony.

I have now the honour to transmit an extract from the "Dépêche" reporting an interview with M. Merlou, a French Deputy appointed by the Chamber last year to report on the state of Tunis, in which he states that the annexation of Tunis would be the worst thing that could at present befall the country, and that both natives and colonists are aware of the advantages of the Protectorate.

The French Ministers who lately visited Tunis on the occasion of the inauguration of the port of Sfax have also publicly pronounced their opinion as to the advantages of the present form of Government as opposed to that of a Colony, so it will appear possible that M. Millet did not accurately represent the views of the French

Government, but was rather impelled by his hope that this implied threat might have some weight in persuading Her Majesty's Government to come to terms as to the new Treaty.

I have, &c.
(Signed) W. H. D. HAGGARD.

Inclosure in No. 31

Extract from "La Dépêche Tunisienne" of May 8, 1897.

A LA suite de la caravane Ministérielle de Sfax, le correspondant de "l'Echo d'Oran" a interviewé M. Merlou, Député, l'ancien-dernier Rapporteur du Budget des pays de Protectorat, dont fait partie la Tunisie, et qui a étudié tout particulièrement la Tunisie, qu'il a fréquemment visitée.

"Sans doute la Tunisie peut faire un certain tort à l'Algérie," a dit, entre autres choses, M. Merlou, "en raison de sa situation fort avantageuse de pays de Protectorat."

"L'autorité du Bey est une sauvegarde d'aut nomme." Le plus mauvais tour qu'on pourrait jouer à la Tunisie ce serait l'annexion. Car on la doterait également de Sénateurs et de Députés, lesquels représenteraient des électeurs trop peu nombreux pour ne pas se transformer en coterie à l'instar, hélas! de l'Algérie."

No. 32.

Consul-General Haggard to the Marquess of Salisbury.—(Received May 26.)

(No. 22. Confidential.)

My Lord,

Tunis, May 12, 1897.

IN obedience to the instructions contained in your Lordship's telegram of the 8th instant, I have the honour to inclose, for consideration, the draft of the note which I had drawn up in reply to that of the Beylical Government of the 20th March last, and which I held back in view of their attitude as possibly indicated by their not having pressed for the payment of the fines inflicted on Mr. Harris, and lately by what seemed to be the somewhat conciliatory language of M. Hanotaux to Sir E. Monson, as reported in his Excellency's despatch No. 209 transmitted to me in your Lordship's despatch No. 7 of the 23rd April. I hoped that if the matter was left completely alone, it might possibly be forgotten, whereas the fact of any communication of mine might excite a rejoinder, and keep alive a subject which might otherwise die a natural death.

My reason for asking for your Lordship's instructions as to the sending of this note now was that M. Hanotaux' subsequent language, as reported in Sir E. Monson's despatch No. 250, forwarded to me in your Lordship's despatch No. 8 of the 23rd April, might seem to indicate the determination of the French Government to proceed to extremities in the matter, and, although I do not suppose that, under such circumstances, any remonstrance from this Consulate-General will have the slightest effect, it might perhaps be well, with a view to the future, to put on record the fact that the interests of British subjects have not been neglected.

I will not disguise from your Lordship that we have in Mr. Harris a different person to support; his own brother-in-law, Mr. Michell, a very different stamp of man, is in despair about him, and it may be taken for granted that if, notwithstanding all Mr. Michell's and my remonstrances, he has an opportunity of putting himself in the wrong and of thus affording the French authority a legitimate ground for their measures against him, he will not fail to take advantage of it, still, so far, it would seem that, under the terms of their own law, it is the French who have put themselves in the wrong in their proceedings against him and the young ladies.

I have, &c.
(Signed) W. H. D. HAGGARD

Inclosure 1 in No. 32.

M. Récolt to Consul-General Haggard.

Résidence-Générale de la République Française, Tunis,
le 20 Mars, 1897.

M. le Consul-Général,

EN me référant à la lettre de M. le Résident Général en date du 17 Février dernier, j'ai l'honneur de vous communiquer les résultats de l'enquête administrative qu'il avait prescrite sur les faits reprochés à Mr Harris, sujet Britannique actuellement à Gabès, et sur l'application qui lui a été faite du Décret du Janvier 1897.

Dans le Mémoire que vous avez bien voulu adresser à M. Millet du 10 Février, vous attirez son attention sur trois points :

1. *Distribution d'écrits dans des lieux publics.* Mr Harris nie avoir fait aucune distribution de ce genre. Les faits contredisent d'une façon absolue ces dénégations. De nombreux témoins ont entre leurs mains des livres religieux qui étaient répandus partout et jusqu'à la porte du Contrôle Civil.

2. *Condamnation pour avoir distribué des écrits dans une Réunion publique un jour où il n'y avait eu aucune Réunion ni publique ni privée.*—Il y a là une simple erreur provenant d'une confusion entre la date du procès-verbal et celle de la contravention. Le rapport de police ainsi libellé en fait foi :

"Rapport du 25 au 26 Janvier, 1897, procès-verbal a été dressé contre le Sieur Harris Hermann, sujet Anglais, pour avoir sans autorisation distribué des écrits dans les réunions des 24 et 25 Janvier courant dans son local habituel." C'est pour ces réunions (que Mr. Harris ne nie pas) qu'il a été poursuivi et condamné.

3. *Les Réunions n'étaient pas publiques mais privées.*—Les témoignages recueillis par l'enquête administrative établissent de la façon la plus péremptoire que les réunions tenues jusqu'au 1^{er} Février étaient absolument publiques. Elles étaient en effet annoncées dans Gabès et les villages voisins ; elles étaient affichées sur un placard placé à la porte de la salle avec inscriptions en caractères Arabes et Français. Des femmes se tenaient sur le seuil invitant les passants à pénétrer. Pendant plusieurs semaines il y a eu foule, indigènes, militaires et civils y venaient attirés par la curiosité, des agents de police, le Commissaire de Police lui-même, tous y sont entrés librement sans aucune formalité. Plusieurs officiers, dont la parole ne peut être suspectée, affirment avoir vu de la rue ce qui se passait à l'intérieur. M. le Juge de Paix de Gabès a tenu à vérifier par lui-même si les réunions étaient publiques et il a pu constater un Dimanche soir que les portes étaient ouvertes et qu'une quinzaine de personnes y chantaient des psaumes.

Mais Mr Harris lui-même a avoué sa propagande dans une lettre adressée le 10 Janvier, 1897, au Contrôleur Civil de Gabès, et où je relève le passage suivant :

"Je suis bien content de savoir que la propagande religieuse est tout à fait autorisée dans les églises, temples, synagogues, &c. . . .

"Car qu'est-ce qu'est mon magasin ? C'est le temple Protestant de Gabès. C'est une église au culte Évangélique, alors, là dedans j'ai la liberté de faire distributions des saintes Écritures à tous ceux qui y entrent."

Mr. Harris semble ignorer qu'il y a des Règlements et des Lois sur les édifices voués au culte, et que l'ouverture des églises et temples est subordonnée à l'autorisation du Gouvernement.

Il résulte de ces informations que Mr Harris avait bien réellement contrevenu aux dispositions du Décret du 2 Janvier, 1897. C'est d'ailleurs ce qu'a reconnu le Tribunal de Soussa qui, dans son audience du 3 de ce mois, a confirmé les deux premiers Jugements du Tribunal de Simple Police de Gabès et relève légèrement le chiffre des amendes prononcées dans les deux dernières affaires.

En ce qui concerne les relations de Mr Harris avec les autorités Ottomannes pendant son séjour en Tripolitaine, relations qui d'après ce que vous voulez bien me faire connaître par votre lettre du 3 de ce mois, n'auraient jamais cessé d'être intimes et amicales, voici ce que j'apprends d'une source autorisée.

Mr Harris, s'étant rendu à Zaouia, près de Tripoli, en compagnie d'un autre missionnaire pour faire de la propagande, aurait été ramené à Tripoli sous escorte de gendarmes, et l'ardeur de son prosélytisme l'aurait exposé plusieurs fois à de mauvais traitements de la part de la population.

Agréé, &c.
(Signé) REVOILL.

Inclosure 3 in No. 32.

Draft of Letter from Consul-General Haggard to M. Récolt.

M. le Ministre,

Tunis, , 1897.

IN the note, which you did me the honour of addressing me on the 30th March inst, with reference to the measures taken against the missionaries, you say that —

"1. *Distribution d'écrits dans les lieux publics.* Mr Harris nie avoir fait aucune distribution de ce genre. Les faits contredisent d'une façon absolue ces dénégations. De nombreux témoins ont entre leurs mains des livres religieux qui étaient répandus partout et jusqu'à la porte du Contrôle Civil."

You will allow me to observe that this is the first time that I have heard that Mr Harris denied having at any time distributed religious books. English missionaries have done this for the last seventy years in perfect safety without any hindrance from the Beylical Government, and have been welcomed rather than hindered by the population ; and he doubtless followed the example of his predecessors until the unexpected application of the "Loi sur la Presse," which resulted in our first conviction. What he did deny and what he said he was prepared to prove, was that he made any such distribution on one of the days on which he was subsequently accused of having committed this offence. If his assertion be correct it is surely a strange legal procedure to condemn him for having committed an offence on one day because he had done so on another.

This brings me to the second point, that of having been condemned for having distributed, &c., at a meeting held on a day on which he held no meeting either public or private.

I observe that you admit that there was an error here on the part of the authorities at Gabès, but if I read the police report aright, it conveys that, in consequence of this error, Mr Harris was not fined for having committed the offence on the day on which it would have been impossible for him to have done so, and that he was therefore, as the result of his second prosecution, fined for having distributed books on only two occasions.

But is it absolutely certain that this is the case ?

In a letter from Mr. Harris on the subject, dated the 6th February, he writes as follows : "I was again before the Juge de Paix on Thursday, and fined, on three fresh counts, 5 fr. each. One of the indictments is for distributing at a meeting on Tuesday, the 26th January, when we have no meeting at all, it is a mistake they have made in the date, they meant to have put Monday, the 25th January, but even then we gave no books away that evening. The Commissaire says we did, and he produced two Arabic hymn books which we had sent to two Arabs at the meeting to join in the singing, and which they were specially told not to take away ; so I told the Commissaire they were stolen."

Am I, in view of this, to understand that the police report is correct when it states that Mr Harris was, in consequence of this error, fined at the second prosecution for having distributed books on only two occasions ? If it be as the police report states, how was it that the Court at Soussa confirmed four convictions, one of those being for the first occasion, when the fine was reduced, and one of the three, for which he was summoned on the second occasion, being apparently for the day on which he had no meeting at all ? This would seem to be a question of officially recorded fact which there can be no difficulty in deciding.

Will you allow me briefly to narrate to you the circumstances of the legal proceedings against Mr. Harris, as they have been reported to me.

That gentleman was summoned in the first instance at Gabès, under clause 7 of the "Loi sur la Presse," for one offence of distributing, and fined 30 fr.

I would point out that the terms of this Law : "Les contrevenants seront condamnés à une amende de 8 à 24 piastres" (5 to 15 fr.). It would appear, therefore, that Mr Harris was on this occasion fined twice as much as was legally permissible. Against that decision he appealed to the Court at Soussa.

He was subsequently summoned at Gabès for the three offences to which I have alluded above, and fined 5 fr. for each offence. I am informed that in view of the smallness of the fine there was no appeal for him against the conviction, save to the "Cour de Cassation" in Paris.

But when his appeal came on in Soussa he found to his surprise that, in addition to the case in which he had appealed, he was again arraigned on the three counts of the

second indictment at Gabès, against which, as it has been reported to me, he did not appeal, as there was legally no appeal to the Court at Susa.

In the first case the fine was reduced within legal limits, though the conviction was confirmed, in the second case when, if there was no legal appeal, the Court would appear to have had no jurisdiction in a case which had been already decided, the fines were increased.

In the case of the ladies, Miss Scott and Miss Bagster, they were fined 1 fr. each. Now, while fully appreciating the spirit of kindness and moderation on the part of the Court, which this nominal fine proves, I would point out that this also would seem irregular, for, as I have shown above, the legal fine must be from 5 fr. to 15 fr.

The Court at Susa would therefore appear to have had no power to reduce the fine below 5 fr., any more than that at Gabès had to increase it above 15 fr.

As regards the questions as to what entitles a public place, this is a matter of opinion which proverbially admits of arguments for and against, and, the Court having decided that in their opinion the meetings were public, there would seem to be nothing more to say on the subject, but the other points are questions of fact, not of opinion.

With reference to your remarks as to Mr. Harris' conduct at Tripoli, I observe that you tacitly admit that the information on which in his note of the 17th ultimo M. Millet partly founded his opinion as to the dangerous character of that gentleman, being proved by his having been "invited" to leave Tripoli, was incorrect.

I imagine that you will, upon further inquiry, find that the statements with which you have been furnished, as to his having been subjected many times to ill-treatment from the population, owing to his ardour of his proselytism, is equally incorrect. This at least is the result, from official sources, of the inquiries which I have instituted at Tripoli on this subject.

As regards his having been brought back to Tripoli under an escort of gendarmes, when trying to penetrate into the interior, this is quite correct; he experienced the same prohibitory treatment to which any other European would have had to submit, who was endeavouring to pass beyond the neighbourhood of Tripoli, and to which, as I understand, every other European has been subjected, who has made the attempt of late years, in fact ever since the French occupation. This measure was, in fact, in no way directed against Mr. Harris, either as a missionary or as a private individual, but it is applicable to all foreigners alike.

Some days back I had the honour of showing you a handbill which had been given me in the street for distribution, of which the distributor declares that he had no "autorisation préalable."

Now, I would submit that such a document exactly answered the description of the Law: "un écrit distribué sur la voie publique sans autorisation préalable," and would ask how is it possible to proceed so vigorously against one class of distributors, and have another class untouched?

The Law is one of general application, and was never framed against missionaries, in fact, by its whole letter and spirit, it is equally applicable to the distributor of such handbills, as that which I had the honour of showing you, as to that of religious works, and yet in the one case it is not applied at all, and in the other all the machinery of the law is employed to obtain a conviction. I would submit that such a Law, to be applicable at all, ought to be universally applied; in fact, this would seem to be the only reason of applying to the missionaries a Law which was not directed against them.

When I showed you this paper, you said it was not "sur un sujet religieux," thereby, I presume, implying that you thought that the wording of Article 7 of the Law contained such a provision, but on reference to this Article you will see that these words do not occur.

You very possibly have been misled by the misquotation of the Law in the summons addressed to Miss Nellie Bagster and Miss Mary Scott, on which they were condemned at Susa, where the words "traitant des sujets religieux" were inserted after the words "écrits," words which, as I have shown, do not appear in the Law, but which, had they so appeared, would of course have set at rest every doubt which might otherwise have existed as to its application to their offence. They were, therefore, as I am informed, condemned on a misquotation of the Law.

You will forgive my pointing out that the very unusual and novel circumstances attending the prosecutions of these missionaries for the performance of an act of Christianity, which they have performed not only without hindrance or injury to themselves or others, but actually with the assistance of a Mussulman Government for the last seventy years, by the application to them of a clause of a Law directed against the libellous attacks on the Government of a scurrilous press, would seem to demand that

at least the most scrupulous care should be taken that the Law, if applied to them at all, should be so applied as to prevent there being the slightest ground for legitimate complaint.

I avail, &c.
(Signed) W. H. D. HAGGARD.

No. 33.

Sir E. Monson to the Marquess of Salisbury.—(Received May 29.)

(No. 362.)

My Lord,

WITH reference to my despatch No. 209 of the 21st March, I have the honour to transmit herewith to your Lordship copy of a Memorandum which I have received from the French Ministry for Foreign Affairs respecting the Evangelical Missions in Tunis. It appears from this Memorandum that the Resident-General in Tunis asserts that no special measure has been taken with regard to English missionaries, and that the Government have only insisted on the observance of the Regulations which are in force.

I have, &c.
(Signed) EDMUND MONSON.

Inclosure in No. 33.

Memorandum.

Le Ministère des Affaires Étrangères n'a pas manqué de demander au Résident-Général à Tunis des renseignements sur les faits qui se trouvaient visés dans le Memorandum de l'Ambassade Britannique, en date du 18 Mars dernier, relative aux Missions Évangéliques en Tunisie.

Il appert des renseignements fournis par M. Millet que divers incidents locaux, notamment l'assassinat à Sfax du Dr Leach, agent de la "North Afr. Mission," auraient démontré des graves inconvénients qui peuvent résulter de certaines œuvres de propagande dans la Régence.

En fait, les autorités du Protectorat n'ont eu à intervenir récemment que dans un seul cas au sujet de missionnaires Anglais.

Un de ces étrangers, Mr. Hermann Harris, ayant entrevenu au Décret du 14 Octobre, 1884, sur la presse et le colportage, a été traduit, de ce chef, devant le Tribunal de Simple Police Français de Gabès, et condamné à une amende. Mr. Harris crut devoir résister contre ce jugement, en faisant valoir que le Décret précité prévoyait la distribution d'écrits sur la voie publique ou dans des réunions publiques, alors que la propagande ne se serait exercée que dans des réunions privées. L'intéressé ayant interjeté appel devant le Tribunal de Première Instance de Sousse, il fut établi par de nombreux témoignages qu'il avait réellement distribué, sans autorisation régulière, des écrits sur la voie publique ainsi que dans des réunions publiques, et la sentence du Juge de Paix de Gabès a été confirmée.

Ainsi que le Résident-Général n'a pas manqué de le faire observer au Consul-Général Britannique à Tunis, qui lui avait signalé la situation de son ressortissant, la question dont il s'agit est, d'ailleurs, exclusivement du domaine des Tribunaux.

D'une manière générale, M. Millet affirme qu'aucune mesure spéciale n'a été adoptée par les autorités du Protectorat à l'égard des missionnaires Anglais, et notamment en ce qui concerne les dames appartenant aux Sociétés Évangéliques. L'Administration s'est contentée, dans l'intérêt de la tranquillité publique, et en vue de tous les ménagements qui lui semblaient compatibles avec l'exécution de la loi, d'assurer partout l'observation des Règlements en vigueur.

Paris, le 18 Mai, 1897

No. 34.

Consul-General Haggard to the Marquess of Salisbury.—(Received May 29.)

(No 23. Confidential.)

My Lord,

Tunis, May 16, 1897

AFTER a stay of about three weeks in Tunis since his last return, the Resident-General left again yesterday on two months' leave. He tells me that he intends to return for the 14th July, and then to be absent again for the rest of the summer.

As M. Millet has been absent from Tunis for the greater part of the last year, it will be seen that the post of Resident-Adjunct is no sinecure, in fact, it may now be almost considered that M. Révoil is the real Resident-General, and thus has been solved the problem of the success of the working of the dual control, which, as I had the honour of reporting at the time, excited some natural curiosity on the appointment of M. Révoil to what was apparently so delicate a post.

I have, &c.
(Signed) W. H. D. HAGGARD.

No. 35.

Consul-General Haggard to the Marquess of Salisbury.—(Received May 29.)

(No. 25. Confidential.)

My Lord,

Tunis, May 22, 1897.

IN my despatch No. 9 of the 15th March, 1895, I had the honour of reporting to the Earl of Kimberley an incident which took place in the south of the Regency, when the Resident-General announced to the mountain tribes the intention of the Government to apply to them the conscription, from which they had hitherto been exempt.

Possibly in view of the attitude then taken up by the mountaineers, the application to them of this measure has been delayed till now.

I have the honour to inclose copies of two telegrams which I have received from the British Consular Agent at Gabès, the first reporting that its application had provoked a rising, the second, received to-day, that the Arabs had submitted. I have also the honour to inclose a cutting from the "Echo Tunisien" on the subject.

I was yesterday lunching with the First Secretary to the Residency, and asked him about the matter. He replied that it was insignificant, and that the reports of another rising in the north were quite unfounded. He, however, added a statement which may be possibly not without significance.

He said that the Turks had lately been distributing arms to the Arabs in Tripoli (a statement which is confirmed by information which I received some time back from a reliable source), that the tribes, who had risen, had gone over the frontier, and had become possessed of some of those arms, that the possession of those weapons added to the result of the war between Greece and Turkey had had an influence in provoking the rising. In short, he evidently wished to convey that the disturbing element had come from across the frontier, and I could not help being reminded, as I have been on previous occasions, of the Kroumir precedent.

Personally, in view of the scene which I myself witnessed and reported to Lord Kimberley two years back, I do not think that it is necessary to look for any other cause than the forcible application by a detested European and Christian Power to a wild and lawless Berber population of perhaps the first act of organized discipline to which they have been subject for many centuries.

I have, &c.
(Signed) W. H. D. HAGGARD

Inclosure 1 in No. 35.

Mr. Calleja to Consul-General Haggard.

(Secret.)
(Telegraphic.)

Gabès, May 16, 1897.

RUMOURED that in the (Matmata) Mountains there 1,000 Arabs armed violently resisting troops bringing away conscripts.

One squadron of cavalry therabouts, another starting. Two companies of infantry left last evening.

Inclosure 2 in No. 35.

Mr. Calleja to Consul-General Haggard.

(Secret.)
(Telegraphic.)

Gabès, May 22, 1897.

ARABS submitting without any resistance. All quiet. Troops not returned.

Inclosure 3 in No. 35.

Extract from "L'Echo Tunisien" of May 21, 1897.

Matmata, le 15 Mai.

A 10 heures du matin une escarmouche assez vive a eu lieu avec les Zéphirs et les Gounis contre les révoltés des Ben Aïssa.

Ces derniers ont eu deux morts et plusieurs blessés. Un troupeau de chèvres, chameaux, et moutons est tombé entre nos mains.

Les Gounis sont commandés par le Bach-Chaouch, qui a rapporté du désert le corps du malheureux Marquis de Morès. Il paraît déployer beaucoup de zèle et de courage comme allié.

A l'heure actuelle, on attend toujours le bataillon de renfort promis.

Les prisonniers au nombre de vingt-deux ont été dirigés sur Gabès escortés par un peloton de Spahis.

Ce peloton est revenu à Matmata à 7 heures et demie. Il est temps et cela nous rassure un peu contre le mouvement tournant que les Arabes avaient l'intention d'effectuer pour couper nos communications avec Gabès d'abord et si possible nos côtes ensuite.

Le Capitaine Simon, Commandant le Cercle, est arrivé à Matmata venant de Kébile.

Comme tous ses officiers il souhaiterait bien entendu qu'on lui laisse carte blanche pour infliger aux rebelles un châtiment exemplaire et faire respecter le drapeau de la France comme il mérite de l'être.

Rien ne vient! Que fait donc le Résident à Tunis?

(Notre correspondant ignore sans doute que M. Millet est en France comme par hasard.)

Matmata, le 16 Mai.

La moitié des Ben-Aïssa a fait ce matin sa soumission. Peut-être avec les promesses qu'on leur prodigue par ordre décèdera-t-on l'autre moitié à se soumettre également . . . jusqu'au départ des conscrits après quoi, ils recommenceront bien entendu.

Ceux de Tamezredhe tiennent bon se sentant soutenus. Peut-être obtiendra-t-on leur soumission temporaire par des promesses, mais les soldats pa-tis, ils reprendront leur liberté.

Tous ces villages se moquent de la France: il y a, paraît-il, 255 conscrits à y lever sur 10,000 Arabes insoumis qui les habitent.

Il est à craindre que ces conscrits préféreraient vivre en réfractaires sur les chemins de Ghadamès dont ils ne contribueraient pas à accroître la sécurité au contraire.

La crainte est le seul côté faible de l'Arabe, qui prend toutes nos avances pour des signes de faiblesse, et il n'a peut-être pas tort.

En tergiversant comme nous le faisons, il est à craindre que nous n'ayons toujours de

grosses difficultés méchamment suscitées par les Arabes, qui savent que nous sommes bien heureux de leur accorder l'aman après leurs révoltes incessantes.

Il serait urgent d'avoir de Matmata et Kebila à Gabès de petits bordjs le long de la route de façon à ce que les caravanes puissent y passer la nuit en sûreté, et y trouver de l'eau en abondance.

Inutile de dire que les 20,000 fr. nécessaires à l'établissement de cette piste Française sur Ghadamès ne se trouveront pas dans le Budget Tunisien : on n'a pas ici de propriétés Miniérielles à sauvegarder ou à faire accroître de valeur !

No. 36.

Foreign Office to the Rev. E. H. Glenny.

Sir,

Foreign Office, June 5, 1897.

WITH reference to your letter of the 27th April last, I am directed by the Marquess of Salisbury to inform you that Her Majesty's Ambassador at Paris has been in communication with the French Government on the subject of the proceedings which have been taken by the French authorities against the British Protestant missionaries in Tunis.

It appears from a Memorandum which his Excellency has received from the French Ministry for Foreign Affairs, that the French Resident-General in Tunis denies that any special measure has been taken with regard to English missionaries in the Regency, and asserts that the Government have done no more than insist on the observance of the Regulations which are in force, with a view to the maintenance of public order.

I am, &c.

(Signed) T. H. SANDERSON.

No. 37.

Consul-General Haggard to the Marquess of Salisbury.—(Received June 8.)

(No. 28. Confidential.)

My Lord,

Tunis, May 26, 1897.

THE Italian Agent and Consul-General spoke to me yesterday about the rising in the Matmata Hills, which I had the honour to report in my despatch No. 35 of the 22nd instant.

He stated that in calling to take leave of the Resident-General on the 15th instant, M. Millet expressed some anxiety as to whether the news which he had received might not prevent his departure, as a number of "tents" had crossed into Tripoli to avoid the conscription, and that there was a good deal of commotion on the frontier.

This information, which, whilst confirming, somewhat amplifies that which I had the honour of reporting to your Lordship, M. Machiavelli added, had been confirmed in detail by his agent at Gabès, who had reported that a band of about 300 men, with their families, had been intercepted in their flight by the troops; but that they had apparently, partly by force and partly by ruse, succeeded in crossing into Tripoli, where they might possibly become a source of disturbance.

M. Millet's departure and the news subsequently received would seem to show that, for the moment at all events, the commotion is over, and M. Machiavelli states that he is informed that a military cordon has been established to prevent further exodus.

I have, &c.

(Signed) W. H. D. HAGGARD.

No. 38.

Consul-General Haggard to the Marquess of Salisbury.—(Received June 8.)

(No. 27.)

My Lord,

Tunis, May 26, 1897.

I HAVE the honour to inclose herewith the reproduction in the "ECHO TUNISIEN" of an article from the "Libre Parole," calling upon the French Government to take measures to revenge the murder of the Marquis de Morès.

At the time the "Libre Parole" attributed this murder to "les Juifs et les Anglais," but it now calls for vengeance against the Touaregs.

Meanwhile, nothing more is heard here of the measures which, as I had the honour of reporting at the time, the French Residency assured me would be taken in consequence of that event, the chief of which, for the moment, was the creation of a fort on the spot where M. de Morès was murdered.

I have, &c.

(Signed) W. H. D. HAGGARD.

Inclosure in No. 38.

Extract from "L'ECHO TUNISIEN" of May 13, 1897.

Il y a deux mois, une revue savante de Vienne a publié une étude du Dr. Thilenius, de Strasbourg, sur l'expédition du Marquis de Morès, dont la conclusion traduit clairement l'idée que se fait l'étranger de notre prévoyance et de notre fierté.

"Dans les semaines qui suivirent le massacre," dit l'écrivain Allemand, "on put songer à des représailles. On s'informa discrètement du nombre de chameaux, de mulets et de charrettes à deux roues ("arabas") disponibles dans Gabès. Mais cette velléité ne dura guère. Et si, quelque jour, l'on vient à y donner suite, il y a des chances pour que l'entreprise coûte plus cher au Budget Tunisien qu'aux meurtriers du Marquis de Morès.

"On enverra dans le sud des soldats d'Europe, et, derrière eux, un énorme convoi de vivres, d'eau et d'autres provisions qui leur sont nécessaires jusque dans le Sahara. On ira aussi loin que le permettront l'argent et les provisions. Chemin faisant, on établira peut-être quelques postes, et, dans les oasis les plus vastes, une garnison de Spahis ou de méharistes.

"Quant aux Chambaas et aux Touaregs, on en trouvera pas même l'ombre, pour leur livrer bataille. Ce ne sera qu'une fois la marche militaire accomplie, [paragraphe incomplet].

Le Dr. Thilenius, ironiste qui n'ignore pas son poids, estime superflu d'ajouter : "C'est d'une autre manière que les Allemands et les Anglais font respecter leurs frontières." Et le patriote Français, que la comparaison humilie, lui en sait presque gré, étant contraint de s'avouer que la vérité est encore au-dessous de sa critique.

Ils n'ont pas manqué, certes, les volontaires qui s'offraient à partir, à leur tour, pour apprendre aux Chambaas et aux Touaregs que le bras de la France n'est ni las ni désarmé. Mais à quoi servent les volontaires à un Gouvernement sans volonté ? Vaines offres de jeunes officiers, indignés de voir le sacrifice d'un des leurs une fois de plus méconnu, renié : beaux rêves des amis et des admirateurs d'un héros, promptement brisés contre la résolution des politiciens, arrêtée dès la première heure, d'ajouter le nom de Morès aux noms de tous ceux dont le sang cria à travers le Sahara.

Pour sûr, ce n'est ni M. Hanotaux, ni le Général Billot qui ont eu la curiosité de savoir combien il y avait de chameaux et de mulets à vendre à Gabès. Si les on de Morès ne sont pas restés sur le sable, c'est parce que l'ordre qu'ils avaient envoyé de les laisser là fut transgressé ou arriva trop tard.

Pas une voix, soit de droite, soit de gauche ne s'éleva pour rendre seulement hommage, du haut de la Tribune, où Burdeau, où Floquet furent si magnifiquement loués, de la sublime abnégation de l'explorateur mort pour la patrie.

Les Chambres de Commerce, moins ingrates ou plus intelligentes que les Chambres politiques, suggérèrent au Ministre des Affaires Étrangères l'idée de prendre au moins le nouveau massacre d'une caravane Française pour prétexte de l'envoi, depuis si longtemps sollicité, d'un agent commercial à Ghadamès. M. Hanotaux craignant un malentendu avec le Padishah, s'y refusa.

Mais, six mois après l'assassinat d'El Guatia, les Chambaas et les Touaregs, de plus en plus enhardis par notre incroyable patience des injures, en vinrent à nous provoquer et à nous piller jusque sur notre sol. Le meurtre du Lieutenant Collot et de ses tirailleurs, sous les canons du Fort MacMahon, finirent par émouvoir le Général Billot. Il donna l'ordre au Commandant du cercle de Gélyville de pousser une pointe dans le Sud-Oranais.

On a lu, dans tous les journaux, ces bulletins de victoire, que j'ai notés au passage : "Le Commandant Godron vient d'infliger aux Chambaas dissidents un châtement exemplaire. Il a repris une caravane de quatre-vingts chameaux appartenant à Bou-

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Amama, et fait une vingtaine de prisonniers, parmi lesquels se trouvent probablement les assassins du Lieutenant Collot."

Où bien: "Le Commandant Godron, allant de succès en succès, a livré un combat à l'ennemi et lui a tué un homme. Nous n'avons perdu qu'un Spahi."

Où bien encore: "Le Commandant Godron a parcouru exactement 1,580 kilom. en trente-quatre jours, et sa vaillante colonne n'est pas rentrée à Gélyville sans avoir obtenu de grands résultats."

Un Chamba tué, après avoir vraisemblablement tué un Spahi, une vingtaine de captifs, quatre-vingts chameaux razzés, une centaine de familles plus ou moins dérangées et refoulées vers le Gourara et le Touat; et, pour arriver à ces grands résultats, trente-quatre jours de campagne, 1,500 kilom., un ou deux millions; voilà "Le châiment exemplaire!" Voilà les Journaux-Duperré, les Jobert, les Paumier, les Bouchard, les Morat, les Poupard, les Flatters, les Douls, les Pallat, les Bonnier, les Morts, les Collot, &c., enfin vengés.

Le patriotisme de M. le Ministre de la Guerre et de M. le Ministre des Affaires Étrangères est satisfait; et il en a tellement l'air que des Arabes, nous annoncent une récente dépêche, se sont mis à piller les boutiques de la ville de Béja, dans le nord de la Tunisie, à quelques lieues de la côte. C'étaient les succès diplomatiques et militaires des Turcs contre les Chrétiens d'Arménie et de Grèce, qui les avaient ainsi surexcités, paraît-il. Qui doutera, en Tunisie, que les succès des Chambaas et des Touaregs à El-Ouadia, à MacMahon et ailleurs, n'y soient aussi pour quelque chose?

C'est assez de pusillanimité, assez de conardise, disons le mot; c'est assez de simulacres et de parades qui, comme l'écrivit trop justement l'érudit Teuton, coûtent plus cher à nos budgets coloniaux qu'aux meurtriers de nos compatriotes, et qui font hauser les épaules aux pirates et aux brigands soumis à Mahomet: "O croyants! enseigne le Coran, la peine du talion vous est prescrite pour le meurtre. Un homme libre pour un homme libre, un esclave pour un esclave, une femme pour une femme" (L. II, 173.)

"Dans la loi du talion est votre vie, ô hommes doués d'intelligence." (L. II, 175.)

C'est assez d'illusions sur ces Berbères sans autre noblesse que celle des fauves, représentés par toutes nos publications officielles comme des guerriers loyaux, généreux, fidèles à la parole donnée, toujours humains pour l'ennemi terrassé, vraie race de Paladins jadis semée au désert par d'anciens croisés.

Il n'est que temps de faire justice de ces légendes créées par deux ou trois explorateurs revenus sains et saufs de Ghadamès ou des bords du Niger, et qui, vanité bien humaine, mais d'une conséquence sanglante, attribuèrent à leurs observations plus approfondies des mœurs et du caractère des Touaregs, un bonheur dû seulement à leur méfiance plus éveillée, à leur vigilance plus constante, ou à leurs plus imposants moyens d'action, ou même à leur chance plus grande.

Il n'est que temps d'aller planter notre drapeau au seul point du Sahara où il puisse tenir en respect toutes ces hordes pillardes, en même temps que les Puissances d'Europe, non rivales, qui ne cessent d'y fomentor la haine de la France.

Il n'est que temps enfin de frapper là de tels coups que le Sahara ne puisse plus les oublier, et soit désormais convaincu que nous ne sommes pas, comme il le croit, impuissants à venger nos injures, que nous connaissons, nous aussi, la loi de vie, la loi du talion, que nous savons rendre œil pour œil, dent pour dent.

C'est Amguid qu'il faut occuper.

No. 39.

Consul-General Haggard to the Marquess of Salisbury.—(Received June 8.)

(No. 29.)

My Lord,

Tunis, May 28, 1897.

IN my despatch No. 1 of the 5th January I had the honour to inclose a copy of a note from the French Residency, announcing the death in Tripolitan territory of the man against whom grave suspicions existed of having been concerned in the murder at Sfax of Dr. Leach and his family last year.

As, notwithstanding the assurances from the Residency of the undoubted accuracy of the information which they had received on the subject, I could not help thinking that this death was suspiciously opportune, I subsequently communicated with Her Majesty's Consul-General at Tripoli, and asked him to be good enough to institute independent inquiries on the subject in the vilayet.

I have now the honour to transmit to your Lordship the result of these inquiries in the shape of an extract from a private letter from Mr. Jago, and a copy of its inclosure.

I have, on the receipt of this letter, sent a copy of the extract and of the inclosure to the Residency in a note, copy of which I have also the honour to inclose.

There would appear from Mr. Jago's statement to be little doubt but that the man is alive, and that the French authorities showed an undue readiness to credit the news of his death.

Possibly if the matter were brought to the knowledge of the Porte by the French Embassy or otherwise, the arrest of the reputed murderer might be facilitated.

I have, &c.

(Signed) W. H. D. HAGGARD.

Inclosure 1 in No. 39.

Consul-General Jago to Consul-General Haggard.

Dear Mr. Haggard,

Tripoli, May 23, 1897.

AS I fear there is no use waiting any longer I write to you about Dr. Leach's murderer, and inclose a translation of a letter from a highly respectable merchant long resident at Zliten on the coast, east of Tripoli, where the supposed murderer is said to have died, and who, at my request, investigated the matter. You will see that he confirms what I had all along been privately informed by those in a position to know. The certificate of death was ostensibly based upon the declaration of two brothers (Hussein) belonging to Zandia, a town eight hours to the west of Tripoli, who happened to be in Zliten on business when the police arrived. They certified that the man sought for had died in their house at Zandia about three weeks before, that they had taken him in out of charity, he being ill and without means.

But the man who died was a relation of the real murderer. My informant states that this latter is now living in an Arab tribe at Sert, 200 miles to the east of Tripoli, the frontier town between Tripoli and Benghazi. From all I can learn I can have no doubt that the facts are as stated.

Yours, &c.

(Signed) T. S. JAGO.

Inclosure 2 in No. 39.

Letter addressed to Consul-General Jago.

(Translation.)

Sir,

Zliten, May 1, 1897.

I HAVE the honour to state that in consequence of what you told me regarding the author of the murder of the English family at Sfax, I have secretly obtained the following information.

That towards the end of last year (1896) police officers came here to search for Moktar Bil Abdussalem Bil Hag Abet. By means of presents to the Governor and officials given on the part of the family, the Commission obtained a mazbata (certificate) signed by the Governor and his Council, that the above stated Moktar is dead while he is still alive, and is at Sert in the tribe of Seif Innazar. But as at Zandia (west of Tripoli) had died a relation of the said Moktar, called Amar-bin-Hasan-bin-Amar-bin-Abet, they changed the living for the dead man, and still less did he die here.

The deceased Amar was a man of weak intellect and half crazy, and well known to all in the country.

The Commission which arrived here to search for the author of the murderer Mokar-bil-Abdussalem-bil-Hag-Abet took no secret step, otherwise they would have arrested him.

Hoping, &c.

(Signed)

Inclosure 3 in No. 39.

Consul-General Haggard to M. Révoil.

M. le Ministre,

Tunis, May 28, 1897.

WITH reference to previous correspondence on the subject of supposed death in Tripoli of the man against whom the gravest suspicions exist of having been concerned in the murder of the English family named Leach at Sfax last year, I have the honour to inclose to you copy of a communication received from Her Majesty's Consul-General at Tripoli, which, together with its inclosure, would seem to dispose of the evidence furnished to the French Residency, on which was based the assertion of his death contained in M. Millet's note of the 5th December last.

In communicating this information to you, I feel sure that it is hardly necessary for me to request you to reopen the matter, and to cause every effort to be renewed to bring to justice the author on Tunisian soil of such an atrocious murder of an inoffensive English family.

I avail, &c.
(Signed) W. H. D. HAGGARD.

P.S.—If you will be kind enough to furnish me with the procuration which you informed me was necessary for the prosecution of the murderer before the Tribunals, presumably those in Tripoli, I will at once sign it in my capacity of Her Majesty's Representative.

W. H. D. H.

No. 40.

Foreign Office to Consul-General Haggard.

(No. 12. Confidential.)

Sir,

Foreign Office, June 14, 1897.

I AM directed by the Marquess of Salisbury to acknowledge the receipt of your despatch No. 22, Confidential, of the 12th ultimo, transmitting copy of a note which you had received from the French Resident-General in regard to the measures taken against British missionaries in the Regency, and forwarding also the draft of the reply which you propose to return to this communication.

I am to inform you that, after consultation with Her Majesty's Ambassador at Paris, Lord Salisbury is of opinion that no advantage will be gained by prolonging the correspondence, and that it will be better that you should not address the proposed reply to the Beylical Government.

I am, &c.
(Signed) T. H. SANDERSON.

No. 41.

Mr. Lascelles to the Marquess of Salisbury.—(Received July 19.)

(No. 30.)

My Lord,

Tunis, July 7, 1897.

WITH reference to Mr. Haggard's despatch No. 29 of the 28th May last, I have the honour to transmit to your Lordship herewith copy of a further note which I have received from the French Residency, in which M. Millet states that in view of the information supplied to him by Mr. Haggard as to the existence of the supposed murderer of Dr. Leach in Tripoli, the Government of the Protectorate are willing to take further measures for his arrest, and he has requested me to sign a procuration to be forwarded to M. Tringa, advocate at Tripoli, who is to be charged with the investigation of the matter.

In the month of November last, when it was ascertained that the murderers of Dr. Leach had fled to Tripoli, the Resident-General requested Mr. Haggard to sign a procuration, in his capacity as natural guardian of the children of the deceased, to enable the advocate in Tripoli to proceed against the assassins. Mr. Haggard replied

that he would sign the necessary procuration, not as guardian of the children of the deceased, but as representative of Her Majesty's Government. The report, however, of the death of the murderer rendered this procuration unnecessary, but the man now being reported to be still living, the Beylical Government have again demanded this document before taking further proceedings.

Considering, however, that the murder took place on the territory of the Protectorate, and that it was owing to the want of energy of the local authorities at Sfax that the murderer was allowed to escape into Tripoli, it would seem that the Beylical Government are responsible for the capture of the culprit, and that a procuration from this Consulate-General is unnecessary. I have accordingly delayed sending the required document until I shall have received your Lordship's instructions on the subject.

I have, &c.
(Signed) GERALD C. LASCELLES.

Inclosure in No. 41.

M. Dobler to Mr. Lascelles.

Résidence Générale de la République Française,
Tunis, le 23 Juin, 1897.

M. le Gérant,
EN réponse à la lettre de Mr. Haggard en date du 28 Mai dernier, au sujet d'un des assassins présumés de la famille Leach, j'ai l'honneur de vous faire connaître que je suis tout disposé à reprendre la poursuite de cette affaire à la suite des nouveaux renseignements qui tendraient à prouver la présence de Mokhtar-el-Trabelsi sur le territoire Tripolitain.

Je vous serai donc reconnaissant de vouloir bien m'adresser le plutôt possible la procuration qui était demandée à votre Consulat-Général par ma lettre du 13 Novembre, 1896.

Par sa lettre du 26 Novembre, 1896, Mr. Haggard se déclarait disposé à signer cette procuration, en qualité de Représentant de Sa Majesté Britannique. C'est donc dans cette forme que je vous demanderai de vouloir bien la faire, établie du nom de M. Tringa, avocat à Tripoli.

Agrées, &c.
Pour le Résident Général et par autorisation,
le Second Secrétaire d'Ambassade,
(Signé) ANDRÉ DOBLER.

No. 42.

The Marquess of Salisbury to Mr. Lascelles.

(No. 13.)

Sir,

Foreign Office, July 30, 1897.

I HAVE received your despatch No. 30 of the 7th instant, reporting that, in view of the information supplied to the Tunisian Government by Mr. Haggard as to the presence of the supposed murderer of the Leach family in Tripolitan territory, M. Millet has assured you of the readiness of the Government of the Protectorate to take further steps for this man's arrest, provided that you first sign a "Procuration" similar to that which Mr. Haggard was authorized to sign in his capacity of Her Majesty's Representative.

The circumstances under which Mr. Haggard was authorized to sign the document in question do not appear to have altered, and M. Millet's present application would seem to show that, in the opinion of the Beylical Government, such a document will be sufficient, as a matter of form, to satisfy the requirements of Turkish or Mussulman law.

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You are therefore at liberty to sign the requisite request, but, in doing so, you will be careful that it is distinctly understood that you sign the "Procurator" merely for the purpose of fulfilling the formalities of the local law, and that, in so signing, you assume no responsibility on behalf of Her Majesty's Government, either for any expense which may be incurred, or in any other respect.

I am, &c.
(Signed) SALISBURY.